

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

لماذا كفرت الحكومات؟

Why have the Governments Disbeleived?

by Abu Dujanah

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**‘And whoever does not rule by what Allah
has revealed then they are the disbelievers’**

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SECTION A:

INTRODUCTION TO THIS DISCUSSION

الحمد لله رب العالمين والصلاة والسلام على المبعوث رحمة للعالمين نبينا محمد وعلى
آل وصحبه أجمعين

From the topics of contention in this day and age, amongst the people of Islaam, and especially the youth of this noble *deen* is the issue of those rulers who rule the lands of Islaam today, from West Africa all to the Far East of Asia, and what the ruling of Islaam is upon them. And in recent times, the people who have spoken on this issue have multiplied, and the works on this issue have increased manifestly - as every young brother or sister, following the Islaamic scene will say.

And this topic, is from the core matters of *at-Tawheed*, which was the message of all the Messengers and Prophets, from our father Aadam '*alayhis-salaam*, until our beloved Messenger Muhammed bin 'Abdillah - sallahu '*alayhi wa 'ala aalihi wa salam*; as Allah, subhanahu wa ta'ala says:

'And verily, We have sent among every Ummah (community, nation) a Messenger (proclaiming): "Worship Allâh (Alone), and avoid (or keep away from) Tâghût (all false deities, etc. i.e. do not worship Tâghût besides Allâh)." Then of them were some whom Allâh guided and of them were some upon whom the straying was justified. So travel through the land and see what was the end of those who denied (the truth).'

From the actions that Allah - swt - has specified for Himself, is legislation [*at-tashree'*], by placing laws, and regulations for mankind with which to worship Him. As Allah - swt - says:

Say (O Muhammad SAW): "The decision [*hukm*] is only for Allâh"¹; and His saying - *subhanah*, "And in whatsoever you differ, the decision thereof is with Allâh (He is the ruling Judge)."². And therefore, whoever appoints a *sharee'ah* other than that of Allah, then he has made himself a partner with Allah, and whoever takes his rulings in matters, then he has taken him as a Lord beside Allah, as Allah - swt - says:

"They (Jews and Christians) took their rabbis and their monks to be their lords besides Allâh (by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allâh)", we understand this *hadeeth* with the saying of our beloved Prophet - sAW - to 'Adiyy

¹ (Surat al-An'aam: 57), and (Surat Yoosuf: 40)

² (Surat ash-Shooraa: 10)

bin Haatim, who was a Christian but came to Islaam, he heard the Prophet - sAw - recite this *ayah*, so 'Adiyy said: **'We did not worship them besides Allah'**. The Prophet - sAw - replied: **"Did they not make haraam what Allah made halaal, so you then made it haraam. And did they not make halaal what Allah made haraam and you therefore made it halaal?"** 'Adiyy replied: **'Ofcourse'**. So he - sAw - said: **"That is worshipping them."**³

Al-Aloosee explains this *ayah* by saying: 'It is not meant that these people used to believed the monks and rabbis to be the Lords of this world, but what is meant is that they obeyed them in their prohibitions and permissions'.

Here we understand that worshipping Allah then in His legislation, is from the core of *at-tawheed*, as stated earlier. And look at how Allah likens worshipping other than Him, and matters of ruling in *surat al-Kahf*:

'...And associate none as a partner in the worship of his Lord.'⁴ and; **'And He makes none to share in His Decision and His Rule,'** and in the recitation of Ibn 'Aamir (and it is from the seven different recitations), we read **'wala tushrik fee hukmihi ahada'** (And do not share in His decision and His rule, anyone)⁵, coming in the form of prohibition.

Do you see how Allah has likened them using the exact same words, except replacing **"'ibaadah"** with **"hukm"**?

And after considering this, I think this reason alone - i.e. knowing it is from the core matters of tawheed - is enough as a mechanism to make us strive to know the reality of this matter, and the position we ought to take towards it.

³ (Found in Imaam Ahmad's *Musnad* and the *Jaami'* of at-Tirmithi, and he declared it hasan.)

⁴ (al-Kahf: 110)

⁵ (al-Kahf: 26)

NECESSARY INTRODUCTION 1:

Definition Of *Imaan* And *Kufr* According To *Ahl As-Sunnah*

The term ***al-Imaan*** according to *Ahl as-Sunnah wal-Jama'ah* has had different definitions throughout Islaamic history, and this arose due to the circumstances of that time. At one time, for example, intention (*an-niyyah*) was included in the definition, and at other times, it was not mentioned - although it was included in what is meant.

For example, here, we will take *Imaam* ash-Shaf'iee's statement defining *Imaan*: "The consensus of the Companions, and the *tabi'een*, and whoever was after them, and whom so ever we saw [regarding *imaan*], was: '***al-Imaan* is speech, actions and intention, and one cannot exist (*yatajaza`*), except with the others.**'"⁶

Imaam Muhammed bin 'Abdilwahaab's definition is as following:

"There is no difference - in opinion - **regarding *tawheed* to be in the heart, and tongue and actions.** And if one of these does not exist (*akhtala*), then this person cannot be a Muslim; and if he knows *at-tawheed*, and does not act upon it, then he is someone who has the disbelief of obstinacy (*kaafir mu'aanid*), like the disbelief of Fir'awn, Iblees and their likes."⁷

Likewise, *Shaykh* al-Islaam mentions the saying of Sahl bin 'Abdullah at-Tasatri⁸ regarding "Imaan, what is it? So he *said*:

'Speech, and actions and intention and sunnah; if Imaan is speech without actions, then it is *kufr*, and if it were speech and action without intention, then it is *nifaaq*, and if it were speech, actions and intentions without sunnah, then it is *bid'ah*.'"⁹

The definitions of *Imaan*, are summarised in the above, for more statements, I advise the dear reader to revise volume 7 of *al-Fatawa*, that has been gathered in a separate book *Kitaab al-Imaan* for *Shaykh* al-Islaam Ahmad bin Taymiyyah, rahimahullah.

So here, we have established a definition of al-imaan:

1. It is speech of the tongue.
2. Actions of the heart.
3. Actions of the body.

⁶ - See, *Majmoo' al-Fatawaa* , volume 7/309.

⁷ - See, *Kashf ash-Shubuhaat* , page 40.

⁸ (a scholar of the *Salaf*)

⁹ - See *al-Imaan* , page 172.

NECESSARY INTRODUCTION 2:

Can *Kufr*, That Leads To Expulsion From This Religion, Happen With Actions Like With Belief, Or Not ?

After having established that *imaan* is speech of the tongue, action of the heart and actions of the body, a crucial question here arises:

Can *kufr*, that leads to expulsion from this religion happen with actions and speech, like with belief or not ?¹⁰

We understand that not believing in Allah in your heart, or rejecting Him in your heart is clear *kufr*, there is no dispute about that, the dispute amongst the people of the *Qiblah* occurs when we discuss actions. So the Muslims are divided into four groups regarding this: *Ahl as-Sunnah*, *al-Khawaarij*, *al-Jahmiyyah* and *Murji'atul-Fuqahaa`*.

1. *Ahl as-Sunnah* say: *al-Kufr* can be through beliefs and actions alike.

Beliefs such as saying that Allah has a partner, or that the Prophet - sAw - was revealed to by mistake, or that the Hour will not come, and so on, are examples of the *kufr* that can occur in beliefs.

Actions are categorised into two for *Ahl as-Sunnah wal-Jama'ah*:

[1] Actions that are not *kufr* themselves, such as stealing and adultery and fornication and drinking alcohol, killing another Muslim, suicide, and so on - this is what is termed as '*kufrun duna kufr*', or '*al-kufr al-'amali al-asghar*'. Meaning: these actions do not lead their doer to expulsion from this religion unless accompanied with *istihlaal*¹¹. These actions will decrease his *imaan* but not to the level of *al-kufr*. **For these actions, we do not do *takfeer* unless accompanied by *istihlaal*.**

And the above is what is meant by at-Tahawi's statement: "And we do not do *takfeer* of anyone from the people of the *Qiblah*, unless he does *istihlaal* of it".

Shaykh al-Islam Ibn Taymiyyah commented on that statement and *said*: "And us,

¹⁰ Every one acknowledges that *kufr* can occur with belief (i.e. intention) but there is difference of opinion with regards to speech and action between the *ahlu-sunnah* and the extremist *murji'ah*, note that *murji'atul fuqahaa* and *al-jahmiyya* comes as sub-sects to the *murji'ah* sect with regard to this matter.

¹¹ (declaring them to be permissible) for example in this case declaring the *haraam* deeds to be *halaal*(i.e. permissible)

if we say: that Ahl as-Sunnah are upon agreement that a person does not become a kaafir due to sin, then we mean by it the sins such as fornication and drinking [alcohol]”.¹²

[2] There are actions that are *kufir* in themselves, and take you out of the fold of Islaam. Whoever does it then he is, in the view of *Ahl as-Sunnah*, a *kaafir*, inside and outside (*thaahiran wa baatinan*), and these acts do not need *istihlaal* for the *kufir* to fall upon the person. These actions are mentioned in the Books of Apostasy in the books of the *Salaf*.

And *Ahl as-Sunnah wal-Jama'ah* place four conditions that must be fulfilled to attribute an action to a person and cause the ruling to fall upon him:

[a.] The individual must have knowledge of what he is doing.

[b.] The individual must be doing it out of choice, and have the capability to do it - he must not be forced.¹³

[c.] The individual must not have a justifiable *ta'weel* for what he did.

[d.] The individual must have meant to do the action, on purpose.

These four principles will be discussed here later bi ithn illah, perhaps in the next issue raised up here.

Ibn Taymiyyah, *rahimahullah*, states:

“And generally then, whoever says or does what is disbelief, disbelieves due to that, even if he does not intend/want [to disbelieve], because no one wants (*yaqsud*) to disbelieve except him whom Allah wills so for”¹⁴

2. al-Khawaarij:

They do not differ between actions that do not lead to disbelief and those that do. So whoever commits a major sin according to them or constantly commits a minor sin is a *kaafir*. They also say that whoever differs with them or is not from them is a *kaafir* too.

Najdah bin 'Aamir *said*:

“Whoever looks, a small look, or lies even a small lie, and he insisits on it - then he is a *mushrik*”¹⁵

¹² - See *al-Imaan* , page 214.

¹³ (I will mention what is meant by 'forced' (*ikraah*), using the words of Ibn Hajr al-'Asqalaani in this discussion).

¹⁴ - See, *as-Saarim al-Maslool* , page 178.

¹⁵ - See *al-Farqu baynal-Firaq* for al-Baghdadi, page 68.

‘Abdullah bin Yahya al-Abaadi said, when he became the ruler over Yemen:

“Whoever commits fornication, then he is a *kaafir*. Whoever steals then is a *kaafir*. Whoever drinks alcohol then he is a *kaafir*, and whoever doubts that he is a *kaafir* is a *kaafir* too.”¹⁶

Also, it is important to note that the Khawaarij - on the whole - do *takfeer* of ‘Uthmaan, ‘Aisha, az-Zubayr, Talha and ‘Abdullah bin ‘Abbass, *radiallahu ta’ala anhum*.

3. al-Jahmiyyah¹⁷:

They say that disbelief can only occur through the heart; they do not do *takfeer* of a person due to him committing actions of *kufir*. They place *al-istihlaal* as a condition for *takfeer* due to sins that are major *kufir* in themselves.

Shaykh al-Islaam says of the *Jahmiyyah*: “Hanbal *said*: al-Humaydi *said*: I was informed that there are a people who say: ‘If someone says: We affirm as-Salah, and az-Zakah and as-Sawm and al-Hajj, but we will not do any of that until we die, then he is a believer, as long as he does not reject these things, as he knows that his rejection of those things leads to disbelief.’ I say: This is the clear *kufir*, and in contradiction with what the Book of Allah, and the Prophet, and the scholars of Islaam said . . . and Hanbal *said*: I heard Abu ‘Abdullah, Ahmad bin Hanbal say: ‘Whoever says this, then he has disbelieved in Allah and rejected (*radd*) what Allah has ordered his Prophet with’”¹⁸.

So the scholars of the *Salaf* would do *takfeer* of those people (i.e. *al-Jahmiyyah*) due to their statements, and due to them placing the condition of *istihlaal qalbi* and *juhood* (open rejection) for doing *takfeer* due to sins that are *kufir* in themselves.

4. Murji`at al-Fuqahaa`:

They are mainly constituted of the *Ahnaaf* and some *Ashaa’irah*. They do *takfeer* of one who does an action of *kufir* because they say it *proves* that this person has internal disbelief, and *not because the action is kufir itself*, but because it is proof and a sign of the persons internal disbelief and that it is proof for the *istihlaal* this the doer has done in his heart.

¹⁶ - Ibid.

¹⁷ As stated previously *Jahmiyyah* is an individual sect but with regards to this, i.e. *imaan*, they are also classed under the *Murji’ah*

¹⁸ - See *Kitaab al-Imaan*, page 208.

Ibn Hazm says: “And those people *said*: That insulting Allah - ‘*azza wa jall* - or insulting the Prophet - sAw - is not *kufir*, but it is proof that in the doers heart is *kufir*.”¹⁹

Shaykh al-Islam Ahmad bin Taymiyyah says: “Whoever insults Allah or insults His Prophet, then he has disbelieved inside and outside (*thaahiran wa baatinan*), whether the insulter believes that that is forbidden or not, or was doing *isthilaal* of it or not, whether it is sprouting from his inner belief or not, and this is the understanding of the specialised schools and all the scholars of Ahl as-Sunnah, who say that Imaan is speech and actions.”²⁰

al-Haafith Ibn Hajr says: “And from the *Muslimeen* are those who are expelled from this *deen* without wanting to, and without choosing another religion over the religion of Islaam”²¹

Shaykh Hamad bin ‘Ateeq says:

“For the book of Allah and the Sunnah of His Prophet - sAw - and the concensus (*ijmaa*) of the *ummah* is upon that anyone who says what is disbelief, and does what is disbelief, disbelieves, and it is not a condition for his heart to have disbelieved as well (*wa laa yushtarat fee thaalika as-sadru bil-kufir*).²²

¹⁹ in *al-Fisal fil-Milal wal-Ahwaa` wan-Nihal* , 3/119

²⁰ - See *as-Saarim al-Maslool* , page 512.

²¹ - See *Fath al-Baari* , 12/373.

²² - See *ad-Difaa` 'an Ahl as-Sunnah wal-Itibaa'* , page 22-23.

NECESSARY INTRODUCTION 3:

Best Ways Of Interpreting The *Qur'aan*

As a bulk of this discussion will concern interpreting the *Qur'aan*, it would be useful here to recall what the best ways of interpreting the *Qur'aan* are.

Shaykh al-Isaam says: “If you ask what is the best method of *tafsîr*, the answer is that the best way is to explain the *Qur'aân* through the *Qur'aân*. For, what the *Qur'aân* alludes to at one place is explained at the other, and what it says in brief on one occasion is elaborated upon at the other. But if this does not help you, you should turn to the Sunnah, because the Sunnah explains and elucidates the *Qur'aân*. *Imaam* Abu ‘Abdullâh Muhammad Ibn Idrees ash-Shafi’ee has *said*: “All that the Prophet, peace be upon him, has said is what he has derived from his understanding of the *Qur'aân*.” Allâh has *said*:

“We have sent down to you the book in truth that you may judge between me, as Allâh guides you; so do not be an advocate for those who betray their trust.” ²³

“We have sent down to you the message that you may explain clearly to people what has been sent to them, and that they think over it.” ²⁴

“We sent down the Book to you for the express purpose that you should make clear to them those things in which they differ, and that it should be a guide and a mercy to those who believe.” ²⁵

This is why the Prophet *sallallâhu ‘alayhi wa sallam* *said*: **Know that I have been given the *Qur'aân* and something like it.** ²⁶

“Namely the Sunnah. In fact, the Sunnah, too has been given to him through *wahy* as the *Qur'aân*, except that it has not been recited to him as the *Qur'aân*. *Imaam* ash-Shaafi’ee and other scholars have advanced a number of arguments in support of this point; but this is not the place to quote them.” ²⁷

“In order to understand the *Qur'aan*, you should first look to the *Quraan* itself. If that does not help, then turn to the Sunnah.

²³ [al-Qur'aân 4:105]

²⁴ [al-Qur'aân 16:44]

²⁵ [al-Qur'aân 16:64]

²⁶ [Ahmad, Musnad, Vol. IV 131; Abi Dâwood, Sunan, Sunnah, 5]

²⁷ [See *ar-Risaalah* for more of a discussion of evidences.]

“When you do not get any help from the *Qur’âan* or the Sunnah, turn to the words of the companions. For they know the *Qur’ân* better: they have witnessed its revelation, and passed through the situations in which it was revealed: and know it and understand it fully, especially their scholars and their seniors.

“If you do not find the interpretation in the *Qur’aan* or the Sunnah, and you did not find it in the sayings of the *Sahabah*, then many of the *a`immah* have turned to the sayings of the *tabi’een* - until he [ash-Shafi’ee] said - Shu’bah bin al-Hajjaaj and others *said*:

‘The sayings of the *tabi’een* in the *furoo’* is not a *hujjah*, so how can it be a *hujjah* in *tafseer*?’

Meaning, it cannot be a *hujjah* against the one who differs with them, and this is correct, if however they have consensus on a matter, then there is no doubt that it is a *hujjah*, and if they differ then the sayings of some of them cannot be *hujjah* against others, nor can it be a *hujjah* against those who come after them. [And from there], we return to the language of the *Qur’aan*, or the sunnah, or the general language of the Arabs, or the sayings of the *sahabah* in it.

As for *tafseer* due to mere opinion, then that is forbidden.”²⁸

So in brief summary, for interpretation of the *Qur’aan*, we are to return to the following:

- [a.] The *Qur’aan*.
- [b.] The Sunnah of our beloved Prophet – (sAw)
- [c.] The sayings of the *Sahabah*.
- [d.] The *ijmaa’* of the *Tabi’een*.
- [e.] The language of the Arabs.

Ending here, the next section bi *ithnillah*, will discuss certain principles in *Usool al-Fiqh* regarding a sayings of the companions, and what is to be done if sayings differ or conflict.

²⁸ - See *Majmoo' al-Fatawaa* , volume 13/363-370, also see *Muqadimmah fee Usool it-Tafseer* for Shaykh al-Islam, found in a small booklet.

NECESSARY INTRODUCTIONS 4:

There Is No *Hujjah* In The Saying Of A *Sahabi*, If Another *Sahabi* Differed With Him.

The differences in the sayings of the companions are of two types:

Number 1) Differing in the type (*ikhtilaaf at-tanawu*), meaning that both statements are correct, or they lead back to one meaning, but the statements differed due to various reasons, from them:

-> Naming and mentioning some types of names and their categories, such as their saying in '*at-taghoot*' that it is *ash-Shaytaan*, or *al-Kaahin*, or *as-Sanam*; and this is all correct and leads back to one correct meaning.

-> Referring to one meaning, but using different words, such as saying *as-Saarim* or *al-Muhannad*, and they are all words for *as-Sayf*.²⁹

Ibn Taymiyyah, rahimahullah says of this: 'And these two groups, that were mentioned in the different ways of interpreting the *Qur'aan* can be at times due to using different (*tanawu*) names and attributes, and at times due to mentioning the different types and their categories, like using examples, and this is what is mostly found in the interpretations of the *Salaf* of this Ummah, that people might think are contradictory (*mukhtalaf*)³⁰

Number 2) Contradictory differing (*ikhtilaaf at-tudhaad*): Where the two statements are differing in reality, and there is no way you can compromise or juxtapose them, and there is no doubt that one of them has to be correct, and the other wrong, or both wrong.

If the sayings of the *sahabah* are contradictory then, then there is no *hujjah* in either of them, and one is obliged to see which of the sayings is stronger, and this is the *mathhab* of the four *a'immah*, and the majority of the scholars of this *ummah*:

Abu 'Umar bin 'Abdilbarr said, "And as-Samati narrates that Abu Haneefah said in a matter of [contradiction] amongst two *sahabah*: 'One if two sayings is wrong, and the wrong one is to be rejected (*mawdoo*)'." ³¹

Ibn 'Abdilbarr also said, "Maalik said in the matter of differing amongst the

²⁹ (examples of such can be found in the English language too)

³⁰ - See *Majmoo' al-Fatawaa* , volume 13/340.

³¹ - See *Jaami' Bayaan al-'Ilm* , volume 2/83.

sahabah of the Prophet - sAw -, ‘One is wrong, and one is right and it is upon you to do *ijtihaad*’”³²

Imaam ash-Shafi’ee rahimahullah said, “[What] Do you see [in] the statements of the companions of the Prophet of Allah, if they differ? So I [ash-Shafi’ee] said, ‘We take from it what agrees with the Book or the Sunnah or the *Ijmaa’* or what is most correct in analogy (*qiyaas*).’”³³

Ibn al-Qayyim said, in his discussion of the principles of the math-hab of *Imaam* Ahmad bin Hanbal, *rahimahullah*, “The third principle of his principles: If the companions differ, then you are to follow from them, what is closer to Book and the *Sunnah*, and we are not to go out of their statements, and if it does not come clear to us what agrees most, then we are to state there is a difference of opinion and we are not to stick to one statement.”³⁴

Ibn Taymiyyah *said*: “And as for the statements of the companions: If they are popular and no one criticised them in their era, then it is a *hujjah* according to the majority of scholars, and if they differ [i.e the companions], then it is to be returned to Allah and the Prophet, and the statements of some of them, with the differing of others is not to be considered a *hujjah*, with the agreement of all the scholars”³⁵. Also, *Shaykh* al-Islaam adds: “And whoever from the scholars said that a statement of a *sahabi* is a *hujjah*, then he said it if he knows that there is no *sahabi* to differ with him over it, and that there is no text [*Qur’aan* or *Sunnah*] that contradicts it - [until he says] - but if there is a difference that is found, then the statement [of the *sahabi*] is not a *hujjah*, with full agreement [of the scholars].”³⁶

Also Abu ‘Umar bin ‘Abdulbarr recalls a lengthy discussion on this matter in his great book, *Jaami’ Bayaan al-‘Ilmi wa Fadlih* , under a chapter entitled: “An Anthology of Evidences Regarding What is Required of the Person Concerning the Differences of Scholars”. In this chapter he mentions the following, and this is a brief summary, and return to the book if you are interested to know further:

- The *fuqahaa`* have differed on this matter into two parties, one says it is permissible to take whatever statement you want, as long as it is known that there is no mistake in it, or a difference with an *ayah*, or a hadeeth or the *ijmaa’* of the scholars; if he finds any of these, he cannot follow it or adopt the statement as proof. And this is the school of ‘Umar bin ‘Abdul’azeez, and al-Qaasim bin Muhammed and Sufyaan ath-Thawri, and their proof is his saying - sAw: “My

³² - See *Jaami’ Bayaan al-‘Ilmi* , volume 2/81.

³³ - See *ar-Risaalah* with the editing of Ahmad Shaakir, page 596-597.

³⁴ - See *I’laam al-Muwaqi’een* , vol. 1/31.

³⁵ - See *Majmoo’ al-Fatawaa* , volume 20/14

³⁶ - *al-Fatawaa* , vol. 1/283-284.

companions are like the stars, so whomever you follow, you will be guided”. And he adds, [i.e. Ibn ‘Abdulbarr]: “And this is a weak school according to a group of the people of knowledge, and most of the *fuqahaa`* and people of opinion (*nathr*), have rejected it.” Also note that the *hadeeth* that is used as proof has been declared *da’eef* according to al-Bazaar and Ibn ‘Abdulbarr and Ibn Hazm aswell.

- As for Maalik, ash-Shafi’ee and whoever followed them, and also al-Layth bin Sa’d, and al-Awzaa’ee, and Abi Thawr, who said that if two statements contradict, then there is a correct one and an incorrect one, and what is obligatory when it comes to the difference of opinion is to follow the proofs from the Book and the Sunnah and the *Ijmaa’* and *Qiyaas*.

And Ibn ‘Abdulbarr, the great *Imaam*, talks much about this matter, so refer back to his beneficial book, between pages 80 and 90 of volume 2 of his book³⁷.

So as you can see, the talk on this matter is much amongst the people of knowledge, and I have resorted to only mentioning the saying of the four *mathaahib* in it, as that is more than enough for us I believe.

³⁷ *Jaami' Bayaan al-'Ilmi wa Fadlih*. Also you may want to refer to *al-Ihkaam* for *al-Aamidi* (a detailed book in *Usool*), volume 4/155-160; and *al-Ihkaam* for Ibn Hazm (a useful detailed book in *Usool*), vol. 5/67-68; and *I'laam al-Muwaqi'een* for Ibn al-Qayyim, volume 4/118, and *Irshaad al-Fuhood* for ash-Shawkaani, (a highly recommended book in *Usool* for a beginner student of knowledge), page 226.

NECESSARY INTRODUCTIONS 5:

***Kufr* That Is Signified With “Al”, (Al-Kufr), Means Al-Kufr Al-Akbar.**

It is crucial for us to know, that there is a difference between the word “*al-kufr*”, if it comes in this manner: *kufr*, *kaafir*, *kufaar*, *kaafiroon*, and if it comes in this manner: *al-kufr*, *al-kaafir*, *al-kufaar* and *al-kaafiroon*. And in this *Shaykh al-Islaam Ibn Taymiyyah, rahimahullah said*: “There is a difference between the *kufr* which is signified with the *laam* such as the his saying, - sAw -: **“There is nothing between the slave, and *al-kufr* and *al-shirk* except leaving *as-salah*”**; and between *kufr* which is not signified (*munakar fil-ithbaat*)” ³⁸

So if we have the word ‘*kufr*’ alone, then it could mean *al-kufr al-akbar* or *al-kufr al-asghar*, and this is only in the *sunnah*, as for the *Qur’aan*, then every type of *kufr* mentioned there is *kufr akbar* without exception.

As for *kufr*, that comes identified and signified, then what is meant by it is nothing but *al-kufr al-akbar*, this is because adding “*al*” in the language of the Arabs means that the speaker is trying to give the full meaning of the word, (to be explained), and there is no difference amongst the linguists on this matter. For example, if I were to say: Hamza ash-Shujaa’ (Hamza, the Brave one) that would by default mean, that Hamza has reached full and complete qualities in bravery, if however I were to say Hamza Shujaa’, then that would mean that he has some qualities (or perhaps all) of bravery.³⁹

After establishing this, if I were to say: “Bush *al-Kaafir*”, then I mean that I have ruled upon him with *al-kufr al-akbar* which leads to expulsion from this religion, due to the “*al*” that came to signify and elaborate that full and complete *kufr* has been found in this man; likewise then is the *ayah* in *Surat al-Maa’idah*, “*fa`ulaa`ika humm ul-kaafiroon*”, this means that those people have reached the complete *kufr*.

al-Lajnah ad-Daa`imah has issued a *fatwa* on this matter, in the reply to question 5226:

³⁸ - See *Iqtidaa as-Siraat al-Mustaqeem* page 69 of al-Madani print, or page 79 of the version published by Daar al-Kutub al-Ilmiyyah.

³⁹ And to read up more on this, recommended books include: *al-Iydaah fee 'Uloom al-Balaaghah*, for al-Khateeb al-Qazweenee (around page 101, of the print *Daar al-Kutub al-Ilmiyyah* produce), and any of the famous books of 'Abdulqaahir al-Jurjaani in the science of *al-Balaaghah* (such as *Min Dalaa'il al-I'jaaz fee 'Ilm il-Ma'aani*, page 189), also Ibn al-Qayyim mentions something on this note in his *as-Salah* (which I have lost now), if my memory does not fool me.

“As for the type of *kufr* in His *ta’ala*, saying: **‘Wa man lam yahkum bimaa anzal allah fa’oolaa’ika hummul-kaafiroon’**, then it is *kufrun akbar* “. ^{40 41}

There are many additional quotes for *Shaykh* al-Islaam and his student Ibn al-Qayyim on this matter of linguistics⁴² - but I will resort to using shorter, more concise quotes:

Al-Qaadi Shahaabadeen al-Quraafi *said*: “And if the speaker is the *shar’* [i.e. the revealed texts], we carry that His statement upon the way in which He uses it throughout”. ⁴³

What is meant by al-Qaadi al-Quraafi’s quote is explained in the following:

Allah - *subhanahu wa ta’ala* - uses the word “*kufr*” in the *Qur’aan* to always indicate *al-kufr al-akbar*, and there is not one single reference to indicate other than *al-kufr al-akbar*, therefore we cannot carry the statement to mean otherwise unless that has been clarified by Allah - *swt* -, or has been clarified by the Prophet - *sAw*. And to affirm this, *Shaykh* ‘Abdullateef bin ‘Abdurahman aal-ash-Shaykh says:

“And the terms *thulm*, *al-ma’siyyah*, *al-fusooq*, *al-fujoor*, *al-mawalaat*, *al-ma’aadaat*, *ar-rukoon*, and *ash-shirk*, and similar to those terms, which are found in the *Qur’aan* or *Sunnah*, what is meant by them is their full wording (*musamahaa al-mutlaq*), and it’s full reality (*haqeeqatiha al-mutlaqah*), and this is the origin according to the *usooliyeen*, as for the second⁴⁴ then this cannot be carried upon, unless we are provided with a pronounced (*lathfiyyah*) or meaning (*ma’nawiyah*) divertive evidence (*qareenah*), and this is only known through the explanation of the Messenger (*bayaanin nabawiyy*), or *tafseer* of the *sunnah*, Allah *ta’ala* says: **“Wa maa arsalna min rasoolin illa bilisaani qawmihi liyubayina lahum”**⁴⁵, (and we have not sent a Prophet except with the tongue of his

⁴⁰ *fatwa* issued by: 'Abdullah bin Qu'ood, 'Abdullah bin Ghudyaan, 'Abdurazzaq 'Afeeefee, and 'Abdul'azeez bin Baaz. -See *Fatawa al-Lajnah ad-Daa'imah lil-Buhooth al-Ilmiyyah wal-Iftaa'*, collected by ad-Diwayish, volume 20/93.

⁴¹ And yes, I am aware of the explanation that these scholars came with later, but it is clear from this that they have stated that the origin in the ayah is *al-kufr al-akbar*.

⁴² (see for example *Majmoo' al-Fatawa*, volume 6/471 and 7/115, and see *Mukhtasar as-Sawaa'iq al-Mursalah*, page 16, of Daar al-Kutub al-Ilmiyyah print)

⁴³ See *Sharh Tanqeeh al-Mafsool*, Daar al-Fikr print, page 211.

⁴⁴ (meaning, i.e. to carry it as *kufr asghar*, etc.)

⁴⁵ Ibraheem 4

people, so that he may make matters clear for (*bayyin*) them).”⁴⁶, is that the origin is to take the words - which has come in the *Qur’aan* or the saying of the Prophet, sAw - upon the complete, unlimited meaning, and to carry the word *kufr* upon that, meaning *kufr akbar*, unless we have a substituting and diverting statement from the Prophet - sAw -, proof of such a matter lies in the *hadeeth* of the Prophet - sAw - were he mentions the *kufr* of ‘*asheer* (provisions, life sustenance), in his advice to women, so the *sahabah* asked: “**do they disbelieve in Allah?**”, so he - sAw - said: “They disbelieve (meaning, reject) (*yakfurana*) *al’asheer* and *al-ihsaan* (life sustenance and good doing)”, collected by al-Bukhaari under the chapter “*Kufr duna kufr*”, in the book of *Imaan* on his *saheeh*. And the proof of this is clear, for when the Prophet - sAw - said: “***yakfuruna***”, the *sahabah* immediately carried it out to be *kufr akbar*, “***yakfuruna billah?***” (do they disbelieve in Allah?), and it was only then that the Prophet - sAw - told them that this disbelief, this *kufr*, is otherwise (i.e. it is *al-kufr al-asghar*).

Likewise, Ibn Hajr al-’Asqalaani says in his *Fath* : “The *shaari*’ has defined that if the word ‘*shirk*’ is mentioned, then what is meant is what opposes *tawheed*, and this word has been repeated in the Book, and the *ahadeeth*, and nothing is meant by it except this”⁴⁷

Furthermore, Abu Hayyaan al-Andaloosi, the great linguist and mufasssir said: “And if the term *al-kufr* is mentioned, then it means *kufr in deen*”.^{48, 49}

⁴⁶See, *ar-Rasaa’il al-Mufeedah* , for Shaykh 'Abdullateef, collected by Sulaymaan bin Sahmaan, pages 21-22. What is meant by Shaykh 'Abdullateef

⁴⁷ - See, *Fath al-Baari* , volume 1/65 (and you can see vol. 1/91 in the new *Daar as-Salaam* print of the book, with the short uncompleted commentry of Shaykh 'Abdul'azeez bin Baaz, *rahimahullah*).

⁴⁸ - See tafseer *al-Bahr al-Muheet* , volume 3/493.

⁴⁹ And from the contemporaries, *Shaykh* Sulaymaan Al-'Ulwaan, see his beneficial book "Verily, the Victory of Allaah is Near" (refer; *English*: www.tibyan.com) and also *Shaykh* Muhammed bin Saalih al-'Uthaymeen who affirmed this principle in *Hukm Taarik as-Salah*, found here: <http://www.salafi.net/books/htarik.html>

A Reply To A Doubt

Some people may then ask about the statements of Ibn ‘Abbass, where he was asked about entering upon a woman through her anus, and he replied with an answer such as: “*thaalik al-kufr*”.

In reply to that, we say:

The linguistic principle is an established principle amongst the people of this art, and due to that, whatever we have, we have to measure it out according to it. Knowing that then:

[a.] For the statement of Ibn ‘Abbass to be understood, I am certain that there would have had to been a divertive evidence from the context of the statement, which makes it go from *al-kufr al-akbar* to *al-kufr al-asghar*, this *qareenah* (divertive evidence), may be pronounced in the discussion, or it may be due to the context of the situation (i.e. Ibn ‘Abbass knew that this man had prior knowledge of a matter, etc.).

[b.] There are various statements attributed to Ibn ‘Abbass on this matter, I ask those who try to use this one evidence to demolish an entire principle, agreed upon by the people of linguistics, to bring proof that Ibn ‘Abbass, did not - for some time at the least - believe that entering a woman in that manner is from *al-kufr al-akbar*.⁵⁰

[c.] This is a principle established amongst the people of knowledge and some have been named above, I would put it very far, if they had not come across these statements attributed to Ibn ‘Abbass, and not understood them in a way other than the way those claimants want to understand them.

[d.] As has been mentioned by the scholars above, they said that this rule applies to the *Qur’aan* and *Sunnah* - they didn’t mention the sayings of the *sahabah*, but as it is a linguistic rule, it must include that also, *wallahu a’lam*.

In summary then: we say, the origin of the ayah is *al-kufr al-akbar* due to the evidences provided above, and more.

I will end here, hoping that this comes in much benefit to the youth and people of *tawheed*, we ask Allah to increase us in knowledge and *taqwa*. And Allah knows best, and is more wise.

⁵⁰ (and see ash-Shawkaani’s *Nayl al-Awtaar* or any well known book of jurisprudence, to see the various sayings attributed to Ibn ‘Abbass)

NECESSARY INTRODUCTION 6:

General and Specific Rulings: The Point Is With the Generality of the Statement, Not the Restriction of the Cause.

And here we begin with an important principle, from the principles of *usool al-fiqh*, and it is that *al'Ibrah bi'umoom illafth, laa bikhusoosi-sabbab*, that the point/issue is with the generality of the statement, not the restriction of the cause.

And here is a translation of what *Shaykh* 'Abdurrahmaan ibn Naasir as-Sa'dee, translated by our beloved brother 'Ali at-Tameeme, *hafithahullah*:

"And: *'al-'ibrah bi 'umoomil-lafdh laa bi khusoosi-sabab* [the lesson. or consideration is in the generality of the wording, not in its specific cause of legislation]."

"The *khaass* (specific) can mean the *'aam* (general); and visa versa, providing the existance of *qaraa'in* (signs) are indicative of this.

"The *Khitaab* (address) of the Lawgiver to any one of the *Ummah*, or His Speech in any specific issue, actually includes all the *Ummah*, and all the specific issues, unless there is an evidence indicative of it being *khaass* (specific). Likewise, the *asl* (basic principle) concerning the actions of the Prophet *sallallaahu 'alayhi wa sallam* is that his *Ummah* is to take him as a model and an example to follow, except when there exists an evidence indicative of that being specific to him."

We know that the Prophet - sAw - was sent to people collectively, as Allah - *swt* - said: **"And We have not sent you but to all the men as a bearer of good news and as a warner, but most men do not know."**⁵¹

So when the Prophet - sAw - said for example, to one menstrating woman: **"If menstration comes, then leave as-Salah"**⁵², he was talking to one woman in specific, but we know that the ruling is general for every woman until the day of Judgement. Likewise, in the *hadeeth* of the man who came to ask the Prophet - sAw - about his condition after he had shaved his hair before slaughtering an animal, so the Prophet - sAw - said: **"Slaughter, and there is no shame"**⁵³. These are two examples to a general ruling, although the situation is specific.

Sometimes however, we have certain incidents where the Prophet of Allah - sAw - would restrict a ruling for a person in specific, such as his saying to Abu Burdah:

⁵¹ - (Surat Saba` : 38)

⁵² (Agreed upon)

⁵³ (Agreed upon)

Abu Burda slaughtered (the sacrifice) before the ('Id) prayer whereupon the Prophet said to him, **“Slaughter another sacrifice instead of that.”** Abu Burda said, **“I have nothing except a Jadha’a.”** (Shu’ba *said*: Perhaps Abu Burda also said that Jadha’a was better than an old sheep in his opinion.) The Prophet said, **“(Never mind), slaughter it to make up for the other one, but it will not be sufficient for anyone else after you.”**⁵⁴. So this ruling is specifically for Abu Burda, due to his saying - sAw -: **“..but it will not be sufficient for anyone else after you.”** The above evidences were used by *Imaam* al-Haramayn al-Juwayni, in *al-Burhaan fee Usool il-Fiqh* , volume 1/370-371, so revise it for more.

In a brief and short summary, ending here, as the main point I wanted to make is that: a statement is general as long as there is no proof that it is specific, i.e.: the lesson. or consideration is in the generality of the wording, not in its specific cause of legislation.

And with this, the ayah in *surat al-Maa'idah* is general in all the *Muslimeen* and *kufaar*: **“wa man lam yahkum bimaa anzal Allah...”**, and it is general ('aam) due to the manner (*seeghah*) it is has come: **“wa man”** (whoever).

The scholars of *Usool al-Fiqh* talked much on this matter, and any prominent book of *Usool* is sufficient for the one who wants to find out more.⁵⁵

And Allah - swt - knows best.

⁵⁴ - See: *Saheeh al-Bukhaari* : Volume 7, Book 68, Number 464

⁵⁵ see for example: *Muthakirah fee Usool al-Fiqh* for ash-Shinqeeti, *al-Ihkaam* for al-Aamidi and *al-Mustasfaa* for al-Ghazaali, they discuss the matters and things that make something general, and how we know what is general and what is not, and what are the mannerisms (*siyagh*) by which something is known to be general or specific, and so on.

NECESSARY INTRODUCTION 7:

The Saying Of A Sahabi, This Ayah Was Revealed In Such And Such An Event, Is Not A Restriction Upon It.

From our principles of which we must know is: that the saying of a companion, that “*this ayah was revealed in such-and-such an event*” is not a specification (*takhsees*) of the ayah .

The proof in that, is our previous principle, that the ‘*the lesson. or consideration is in the generality of the wording, not in its specific cause of legislation*’, that may be revised to see evidences for this principle regarding the companions.

Furthermore, *Shaykh* al-Islaam Ahmad bin Taymiyyah, ‘*alayhi rahmatullah said*: “And from that, is their saying [the *sahabah*]: ‘This ayah was revealed in such and such and individual’, so by this we have an example of the person whom this ayah was revealed regarding - it was revealed due to him, and he is the cause of the revelation - **they did not intend by this to specify this ayah to this person**, [examples] are the *ayah* of *Li’aan*, ayah of *Qadhif*, ayah of *Muhaarabah*, and similar to it. No Muslims says it is restricted and specific to the one whom it was revealed regarding.

“And the general term (*al-lafth al’aam*), if a group say that this *ayah* is restricted to such, then they mean by it, the *type* of person, that is was revealed due to - they never meant by their saying, that this ayah is restricted *to that person whom it was revealed due to*

“So no Muslim says that the ayah of *Thihaar*⁵⁶, did not concern anyone [or is restricted to] Aws bin Saamit, and the *ayah* of *Li’aan*, did not concern anyone [or is restricted to] ‘Aasim bin ‘Udayy, or Hilaal bin Umayyah; and that the ayaat of dispraise (*thamm*) of the *kufaar*, do not include anyone but the *kufaar* of *Quraysh*; and similar to this, which neither a Muslim nor an intelligent person would say.

“For Muhammed - sAw - it is known, from the necessities of his religion, that he is sent to all Jinn and Mankind, and Alah - swt - addressed both *thaqalayn* (man and jinn), as He *said*: “I will warn you with it [the *Qur’aan*], and whomever it reaches”. So whomever this *Qur’aan* reaches, from Jinn or Man, then the Prophet - sAw - has warned him with it. And warning is to inform someone of something frightening, and the frightening thing is the punishment of Allah, *ta’ala*; and [he -

⁵⁶ [in Surat al-Mujaadilah]

sAw - also informed], that whoever obeys [Allah], then Allah - *ta'ala* - will be kind to him.”⁵⁷

Moreover, *Shaykh* al-Islaam Ibn Taymiyyah says, “And the *ayaat* that Allah brought down unto Muhammed - sAw - in it, is an addressing to all creation from mankind and Jinn, because his message is for all *thaqalayn* generally, even though from the reasons that the *ayah* was revealed, was due to what was amongst the Arabs, but nothing from the *ayaat* is restricted due to the specific reason that it was revealed due to, and this is with agreement of all the *Muslimeen*, but they differed: Does the *ayah* become restricted due to the *type* of cause ? As for the specific reason it was revealed, then none of the *Muslimeen* have said that: the *ayaat* of *talaq* or *thihaar*, or *li'aan*, or the *hadd* of *as-sariqah* and *al-muharibeen* are restricted to the specific individuals they were revealed regarding.”⁵⁸.

Therefore, no one can say that the *ayaat* in *Surat al-Maa'idah*, are restricted to the people they were revealed due to (the Jews), rather they are general. The differing may come down to: is the *type* of cause (that the *ayah* was revealed for) what we have to always pay attention to, when applying this *ayah* or can we apply it on it's generality and it's manifestation (*thaahir*). In this there is differing amongst the people of knowledge and this will be discussed, in the coming posts, *bi ithnillah*.

Ending here we say, Allah - *swt* - knows best, and is more wise. Whatever good is from Allah, and all mistakes and evil are mine and the *shaytaans*, *subhanak allahumma wa bihamdika, nash-hadu al-laa ilaha illa ant, nastaghfiruka wa natoobu ilayk*.

⁵⁷ - See *Majmoo' al-Fataawa* , volume 16/138-139. Also, *Shaykh* al-Islaam talks much about this elsewhere, using very similar words as the above, see: *Majmoo' al-Fataawa* , volume 13/338-339. I do not need to translate it, as he recalls almost the same stuff as above.

⁵⁸ - See *Majmoo' al-Fataawa* , volume 19/14

NECESSARY INTRODUCTION 8:

Using *Ayaat* Revealed Regarding Disbelievers, Unto Believers And Examples Of That.

From the matters related to our two previous posts, is this: an *ayah* can be revealed regarding the *kufaar*, except that you can use it as evidence against Muslims, as long as its wording is general and does not carry a restriction.

And from the examples of such are the following (and there are hundreds for the matter):

1) Allah, *subhanahu wa ta'ala*, said: **“And the *Mujrimeen* [criminals, polytheists, sinners] shall see the Fire and apprehend that they have to fall therein. And they will find no way of escape from there. And indeed We have put forth every kind of example in the *Qur'an*, for mankind. But, man is ever more quarrelsome than anything. And nothing prevents men from believing, (now) when the guidance (the *Qur'an*) has come to them, and from asking forgiveness of their Lord, except that the ways of the ancients be repeated with them (i.e. their destruction decreed by Allah), or the torment be brought to them face to face? And We send not the Messengers except as givers of glad tidings and warners. But those who Disbelieve, dispute with false argument, in order to refute the Truth thereby. And they treat My *Ayaat* (proofs, evidences, verses, lessons, signs, revelations, etc.) and that with which they are warned, as a jest and mockery!”**⁵⁹.

It is clear, from the above, that this *ayah* was revealed regarding the *kufaar*, yes the Prophet - *sallallahu 'alayhi wa aalihi wa salam* - used it as proof on 'Ali bin Abi Taalib, *radiallahu ta'ala 'anhu*, when he requested from 'Ali and Faatimah to awaken and pray in the night, and they made certain excuses, so the Prophet - *sallallahu 'alayhi wa aalihi wa salam* - said: **“But, man is ever more quarrelsome than anything.”** And the hadeeth, can be found in al-Bukhaari's collection, no. 1127 and 7347.

2) His saying, *sallallahu 'alayhi wa aalihi wa salam*, **“A people who let a woman take control of their affairs, will not be successful”**⁶⁰, and this hadeeth came, or was transmitted because the leaders of Persia had given the monarchy to the daughter of Kisra, but the companion Abu Bakrah, *radiallahu ta'ala 'anhu*, used it against 'Aa'ishah, *radiallahu ta'ala 'anha*, on the day of the Jamal.⁶¹

⁵⁹ - (Surat al-Kahf: 53-56)

⁶⁰ Collected by al-Bukhaari

⁶¹ see al-Bukhaari's Saheeh, hadeeth no. 7099

3) Allah - *swt* - saying: **“Say [O Muhammad (sAw)] Allah rescues you from this and all [other] distresses, and yet you worship others besides Allah. Say: “He has the power to send torment on you from above or from under your feet, or to cover you with confusion in party strife, and make you taste the violence of one another.” See how variously We explain the Ayaat [proofs, evidences, lessons, signs, revelations, etc.] so that they may understand.”**⁶².

And so, this is a warning to the *Mushrikeen*, **“and yet you worship others besides Allah”**. Despite that however, the Prophet - sAw - used these *ayaat*, and took it to also apply to the Muslims; due to what al-Bukhaari collects from the authority of Jaabir *radiallahu ‘anhu* who *said*: “When the following ayah was revealed: **“He has the power to send torment on you from above”**, the Prophet - sAw - *said*: **“I seek refuge in Your *wajh*”**, and then He *said*: **“or from under your feet”**, so he - sAw - *said*: **“I seek refuge in Your *wajh*”**, then, when this was revealed: **“or to cover you with confusion in party strife, and make you taste the violence of one another”**, he - sAw - *said*: **“This is easier, or this is less suffering”**. And you can revise, hadeeth no. 4628, in al-Bukhaari’s Saheeh.

As I said, the evidences for this principle are plentiful, but the above is enough I believe.

And know, that was the same argument used by the enemies of the *da’wah* of Shaykh Muhammed bin ‘Abdilwahaab, so they criticised him for using *ayaat* revealed concerning the *kufaar*, and using them on believers - such as the *ayaat* about the *kufir* of the one who calls on other than Allah, and seeks help (*ighaathah*) from them - such as the claim of the Mufti of Makkah then, Zeenee Dahlaan, “And he held unto [i.e. Ibn ‘Abdilwahaab] to do *takfeer*, the *ayaat* revealed due to the *Mushrikeen*, he took them and carried them upon the *Muwahideen*”.

So he (the Mufti) was refuted by many of the scholars of that blessed *da’wah*, Shaykh ‘Abdullah Abu Biteen *said*: “And for the saying, of the one who says that these *ayaat* were revealed concerning the original *Mushrikeen*, so it does not include whomever does what they did in the present age (*falaa tatanawal man fa’ala fi’lahum*), then this is great disbelief, and this saying is not said by anyone except a ox who’s well grounded in ignorance, so does this person say that the punishments in the *Qur’aan* and *Sunnah* are only for a specific people who came and went ? So the fornicator is not to be punished today? And the hands of the thief are not to be cut? And similar to this? This saying is something one should be ashamed of. Does this person say that those commanded with prayer and fasting and the rest of the obligations in the *Qur’aan*, exterminated and so the *Qur’aan* has become negated?”

⁶² - (Surat al-An'aam: 64-65)

“Also from their sayings [i.e. the enemies], *Shaykh* ‘Abdullateef bin ‘Abdurahmaan aal-ash-Shaykh said, “And from his doubts, is his saying that some of these *ayaat* were revealed concerning the one who worships idols, and this was revealed in Abu Jahl, and this was revealed in so-and-so, and he tries - *qaatallahullah* - to negate the *Qur’aan*, from including people like him and similar to him who worship other than Allah, and equates him with His [true] Lord”.

“Shaykh ‘Abdullateef also said, “And from the reasons that prevent one from understanding the book of Allah, is that they assumed that whatever Allah speaks of concerning the *Mushrikeen*, and what He ruled upon them, and described them with then that is all concerning a people who no longer exist, and a people from our predecessors, and a people who have exterminated and do not have ancestors. . . and some of them may have heard the saying of some of the *Mufasireen*, that ‘this *ayah* was revealed concerning the worshippers of the idols’ and ‘this is in the Christians’, so he assumes, this person, that this is specific for them, and that the ruling does not cross other than them, and this is from the chief reasons that prevent the slave from understanding the *Qur’aan* and the *Sunnah*”.⁶³

I think my point is clear, so I will end here. And we finish by saying: Allah *subhanahu wa ta’ala* is more wise, and knows best.

⁶³ - See, for all the above, from the statement of Dahlaan to the last quotation, a book called *Da’aawil-Munawi`een Lid-da’wat ash-Shaykh Muhammed bin ‘Abdilwahaab* written by ‘Abdul’azeez bin al-‘Abdal-Lateef, published by Daar Tayyiba, 1409 AH, pages 227-230.

An important point regarding my words that the *ayaat* in *Surat al-Maa'idah* are general to all the Muslims: Whoever does then he has ruled, and an explanation of it.

One may argue, that if this *ayah* is general in all the Muslims, then that means when a man commits fornication then he has ruled by other than what Allah has revealed.

This is true, and Ibn Hazm al-Andaloosi affirms this principle in his marvellous book *al-Fisal fil-Milali wal-Ahwaa'i wa-Nihal*, where he says, “*man fa'ala faqad hakam*” (Whoever does then he has ruled), and it was this argument which the Khawaarij used against the soldiers of 'Ali and Mu'aawiyah, they said that these people had committed sins, and whoever commits sins then he has ruled by other than what Allah has revealed, and whoever rules by other than what Allah has revealed then he is a *kaafir*, therefore Ali and Mu'aawiyah's troops are a bunch of *kaffarah*. That was their argument, and they argued by saying: “*man fa'ala faqad hakam*”.

And likewise today, some people may try to use this argument against us.⁶⁴

In reply, we say: in the language of the Arabs, words are to be taken upon two meanings, *ath-thaahir*, i.e. the manifest meaning, and *al-mu'awwal*, i.e. the interpreted meaning. For example, the word *jaar*, in its manifest meaning, is neighbour; in its *mu'awwal* meaning however, it could mean your wife. But when someone mentions *jaar* alone, then we are to take it to mean its manifest meaning, which is its complete meaning.

Thus if I say, *jaari at'abani*, (my *jaar* got me tired) immediately the listener presumes that I am talking about my neighbour, and not my wife.

Likewise then, *al hukm* in its open manifest complete meaning, means judging, judging between two people in a matter from the matters. Its *mu'awwal* partial meaning however, can be a sin, and this is what was meant by Ibn Hazm.

Therefore, the one who for example, commits fornication, he falls “*partially*” in the *ayah*, therefore the *partial* ruling befalls him (i.e. the full ruling is *alkufr*, but the partial ruling would be getting flogged).

Which is why, in the saying attributed to Ibn 'Abbass, he told the *Khawaarij*: “*laysa alkufr alathee tath-haboona ilayh*” (It is not the *kufr* that which you are going to), because what the armies of 'Ali and Mu'awiyah did falls under *al-mu'awwal* and not *ath-thaahir* meaning.

I ask Allah to make this clear for us, and to make it benefit the people of tawheed, and its youth in particular.

⁶⁴ Editor: And this is true ...ruling us –who speak in terms to Islam – as *khawaarij* is easier to these people who claim “*to uphold the banner to revive the true manhaj*” than to put hatred in their hearts to those who torture their brothers, humiliate their sisters and disgust the religion revealed to Nabi SAW.

NECESSARY INTRODUCTION 9:

An Explanation Of What Was Meant By The Saying Of Many Of The *Salaf*: 'And We Do Not Do *Takfeer* Of Anyone From The People Of The *Qiblah* Due To A Sin, As Long As He Does Not Do *Istihlaal* Of It'

And this is a popular saying, narrated and attributed authentically to many of the *Salaf*, and there are slight variants in the wording: sometimes it was 'and we do not do *takfeer* of anyone due to a sin, as long as he does not do *istihlaal* it,' and at other times it was, 'and we do not do *takfeer* of any Muslim due to a sin that that he does not do *istihlaal* of' and similar to it.

The saying mentioned in the subtitle, is the most popular, *wallahu a'lam*, and the one found in *at-Tahawi's 'aqeedah*. Nevertheless, we say that this saying is true, although it is not found in the *Qur'aan*, nor *Sunnah*, but it is an established saying amongst the people of knowledge, as al-Lalikaa'ee mentions in his book of '*aqeedah, Sharh Usool I'tiqaad Ahl as-Sunnah*'; but unfortunately many contemporary people who attribute themselves to knowledge have misunderstood this statement to mean that a person does not become a *kaafir*, even if he does all the *mukaffiraat* (things that make one a *kaafir*), as long as he does not do *istihlaal* of them. And (infact) it was for this '*aqeedah*, that the *Salaf* announced the holder of to be a *kaafir*, as *Shaykh al-Islaam* mentions in his *Fatawaa*.⁶⁵

Know, oh fellow *Muwahhid*, that it is nothing but the '*aqeedah* of the extreme *murji'ah*, who have unfortunately arisen and become rampant in this day and age.

As for what is meant by this statement then, are the sins that are not *kufr* when done, such as drinking alcohol and committing fornication and their likes, these sins, if he considers them not *haraam*, then he disbelieves due to. Sins however, that are disbelief, such as insulting Allah, or insulting His Prophet, *sallallahu 'alayhi wa aalihi wa salam*, or mocking the *ayaat* of the *Qur'aan*, or misusing the *mushaf* (the copy of the *Qur'aan*), then *istihlaal* is not required for the doer of these actions to disbelieve. For that reason, some of the scholars of the *Salaf*, limited this statement by adding the words, "from the People of the *Qiblah*", meaning, the people who have not done any actions of disbelief. To prove our statement that what the *Salaf* meant by "*Ahl al-Qiblah*" are the Muslims, is the statement of Abu Muhammed al-Hasan al-Barbahaari, "None of the people of the *Qiblah* leave Islaam unless they reject (*yarudd*) an *ayah* from the book of Allah, *subhanahu wa ta'ala*, or reject any narrations from the Messenger of Allah, *sallallahu 'alayhi wa salam*, or pray to other than Allah, or sacrifice to other than Allah. And if he does any of that, it is obligatory upon you to expel him from

⁶⁵ *Fatawaa*, voume 7/209; and see also *as-Sunnah* for Abu Bakr al-Khalaal, page 587, Daar ar-Raayah print, 1410 AH)

Islam. If he does not do any of that, he is a believer and a Muslim in name, even if not in reality.”⁶⁶

Shaykh al-Islaam says: “And for that reason, the scholars of *Ahl as-Sunnah*, said in their explanation of the creed of *Ahl as-Sunnah wal-Jama’ah*, that they do not do *takfeer* of any of the people of the *Qiblah* due to sins, reffering [by that] to the innovation of the *Khawaarij*, who do *takfeer* due to sin”⁶⁷. And Ibn Taymiyyah also says, and I have quoted this earlier in this discussion: “And us, if we say: that *Ahl as-Sunnah* are upon agreement that a person does not become a *kaafir* due to sin, then we mean by it the sins such as fornication and drinking [alcohol]”.⁶⁸

Shaykh Haafith Hikmi (a great scholar from the *Salaf*) said, “And we do not do *takefer* of a Believer due to sins except with *istihlaal*, which we have previously mentioned [in this text], then that does not include disbelief, and what is meant by it are the sins, that are not *shirk*”.⁶⁹

Abul-Hasan al-Ash’ari, *rahimahullah*, says: “And we do not do *takfeer* of anyone from the people of he *Qiblah* due to a sin, like fornication and stealing, and similar to that from major sins, and they [i.e. the doers] are believers even though they committed major sins”.⁷⁰

And from the best quotes on this matter, is what *Shaykh* Muhammed bin ‘Abdilwahaab said in his reply to one of his opposers: “And as the third [in some prints, the second, and the former is more correct] matter: And it is from the biggest of your deceptions, which you are trying to use against the people, is that [you said], that the people of knowledge *said*: ‘And it is not permissable to do *takfeer* of a Muslim due to a sin’, this is true, but this is not what we are talking about; because the *khawaarij* do *takfeer* of the one who fornicates, and the one who thieves, or sheds blood, and even with every major sin, if a Muslim does them, then he has disbelieved [according to them]. As for *Ahl as-Sunnah*, then their understanding is that a Muslim cannot disbelieve except due to *shirk*, and we do not do *takfeer* of the *tawagheet* (the false dieties) nor their followers except due to *shirk*, and you are a person from the ignorant of people, you assume that

⁶⁶ - See *Kitaab Sharh as-Sunnah*, for Abu Muhammed al-Hasan bin 'Ali bin Khalaf al-Barbahaari, with the editing of *Shaykh* Muhammed bin Sa'eed al-Qahtaani, page 31, Daar Ibn al-Qayyim print, 1408 AH.

⁶⁷ - See *Majmoo' al-Fatawaa*, volume 12/474

⁶⁸ - See al-Imaan , page 214. And *Shaykh* al-Islaam mentions similar to this, in the following references in his *Fatawaa*: Volume 7/302 and vol. 20/90, so revise them for benefit.

⁶⁹ - See *Ma'aarij al-Qubool*, with the commentary of our *Shaykh*, 'Umar Mahmood Abu 'Umar, commonly knows as Abu Qatadah, volume 2/438

⁷⁰ - See, *Maqalaat al-Islamiyeen*, al-Maktabah al-'Asriyyah print, volume 1/347

whoever prays and claims to be a Muslim then he does not disbelieve. . . Did you see the companions of the Prophet of Allah - sAw - when they fought the people who refused to pay *az-zakah*, and when they wanted to repent, Abu Bakr refused and said, 'We will not accept your repentance until you bear witness that our killed ones are in paradise, and yours in hellfire - do you think Abu Bakr and his companions don't understand, and you and your father understand? Woe to you, oh ignorant one, oh man of constructed ignorance if you believe this!'"⁷¹

Proving all that has been said above, is the *ijmaa'* of the *Sahabah*, *radiallahu 'anhum*, for they have unanimously agreed that the one who drinks alcohol does not become a disbeliever until he makes *istihlaal* of it, as in the event of Qudaamah bin Math'oon (who drank alcohol, thinking it was permissible for him, so they established the *hujjah*, and 'Umar said, had he stayed upon what he had thought, we would have killed him as a *kaafir*); like they have an *ijmaa'* that the person who comes with acts of *kufir*, then he disbelieves, even if he does not do *istihlaal* of them, such as abandoning *as-salah*, and we have established earlier that the *ijmaa'* of the *sahabah* is a clear and manifest and undisputable evidence.

I have lengthened in this point, as I think it is very important due to the fact that many contemporaries have foolishly attempted to deceive the people by saying that we cannot do *takfeer* of someone who comes with acts of *kufir*, unless he declares them permissible, and we seek refuge in Allah from these blatant lies.

I ask Allah '*azza wa jall* to benefit from this, and to raise up a generation of youth who learn and act upon their knowledge.

⁷¹ - See *ar-Rasaa'il ash-Shakhsiyyah* lish-Shaykh Muhammed bin 'Abdilwahaab, Jaam'iat al-Imaam Muhammed bin Su'ood print, page 233-234

NECESSARY INTRODUCTION 10:

Meaning Of *al-istihlaal*, The Ruling Upon It, And Examples Of It.

1. Meaning: *alistihlaal* technically means, in *Sharee'ah* terminology: making something that Allah has prohibited, *halal* on a personal or general (i.e. imposing) level.

2. Ruling: It's major *kufir*, evidences:

[a.] From the book of Allah: **'The postponing (of a Sacred Month) is indeed an addition to disbelief: thereby the disbelievers are led astray, for they make it lawful one year and forbid it another year in order to adjust the number of months forbidden by Allah, and make such forbidden ones lawful. The evil of their deeds seems pleasing to them. And Allah guides not the people, who disbelieve.'**⁷². So here, Allah, *subhanahu wa ta'ala*, shows to us how making *halaal*, what is *haraam* is only an increase in *kufir*, and an increase in *kufir* is *kufir*; more in this *ayah* will come up in this discussion, *bi ithnillah*.

[b.] From the Sunnah: the hadeeth of al-Baraa` bin 'Aazib, *radiallahu 'anhu*, who *said*: "My uncle, al-Haarith bin 'Amro passed by me, and he had a banner that the Prophet - sAw - had signed for, so I asked him [about it], so he *said*: The Prophet of Allah, *sallallahu 'alayhi wa salam*, sent me to kill a man who married his father's wife."⁷³

Ibn Jareer comments on this hadeeth, and says: "So this act of his - marrying his father's wife - was the strongest of proofs that he denied (*taktheeb*) of the Prophet of Allah, *sallallahu 'alayhi wa salam*, and his rejection (*juhood*) of a *muhkam ayah*, for that reason whoever does it (*man fa'alahu*), he was ruled with killing, and the striking of his neck. For that reason, the Prophet *sallallahu 'alayhi wa salam*, ordered his killing and the striking of his neck, for this is the sunnah of the apostate in Islaam".⁷⁴

Shaykh 'Abdul'azeez bin 'Abdullateef says: "And compare what you read and what happens in Muslim societies, when the ruling entities in those Muslim countries allowed places of interest, fornication, alcohol and so on from the prohibited things, and it licensed those evil things, even imposing those evil things, and defending them and strengthening them, not only this, but these governments

⁷² - (Surat at-Tawbah: 37)

⁷³ - See: Imaam Ahmad's *Musnad*, Abu Dawood's collection, an-Nisaa'i, Ibn Maajah, and Ibn al-Qayyim considered it *hasan* in his *Tahtheeb Sunan Abi Dawood*, and al-Albaani considered it *saheeh* in his *Irwa' al-Ghaleel*.

⁷⁴ - See *Tahtheeb al-Athaar*, volume 2/148

have also allowed alliance to the *kuffaar*, under the pretext of ‘benefit’, and ‘living together friendly’ and Allah is the only helper”⁷⁵.

[c.] The *ijmaa*’ of the *Sahabah*: In the story of Qudaamah bin Math’oon who drank alcohol thinking it was *halaal* for him, due to his wrong *ta`weel* of the following *ayah*: **“Those who believe and do righteous good deeds, there is no sin on them for what they ate. . . .”**⁷⁶. So ‘Umar explained the mistake in his *ta`weel* to him, and the *sahabah* agreed that if Qudaamah affirms that alcohol is forbidden then he is to be flogged, if he however insisted on it being *halaal* then he would have been killed an apostate. And the *hadeeth* is narrated by ‘Abdurazzaaq, with a *saheeh isnaad*, as Ibn Hajr said in *Fath al-Baari*, volume 13/141.

And so these evidences prove that whether *istihlaal* is done on a personal level, or a general imposing level then it is *kufr*. From this you understand that it is not a condition for *istihlaal* to be *kufr* to make it a law, rather it can be *kufr* even on a personal level (i.e. I believe alcohol to be permissible, as in the case of Qudaamah).

How *Istihlaal* Is Done:

[a.] **Orally**: such as in the aforementioned *ayah* in *Surat at-Tawbah*, on an-Nasee` (the postponing of sacred months), and what used to be done is that a man would raise up during the time of Hajj - in *Jaahiliyyah*, before Islaam - and would announce that he has made the month of *Muhharam* in the next year not-sacred, and he has made the month of *Safar* sacred instead. Also, we have the case of Qudaamah who made *istihlaal* by tongue too.

[b.] **By writing**: because writing takes the place of speaking, which is why we have the *fiqhi* principle: ‘Writing is like Addressing/Talking’.⁷⁷

Examples Of *Istihlaal*:

[a.] **Orally**: The swearing in act when a man is to become a ruler, he swears by the constitution, and how he will stick to it, and protect it, and in these man-made constitutions we have the permissible made impermissible, and the impermissible made permissible.

⁷⁵ *Nawaaqid al-Imaan al-Qawliyyah wal-'Amaliyyah* in the footnote under that hadeeth, page 328

⁷⁶ - (Surat al-Maa'idah: 93)

⁷⁷ *al-Kitaab kalkhitaab* Also See - *Sharh al-Qawaa'id al-Fiqhiyyah* for Shaykh Ahmad al-Zarqaa, page 285, Daar al-Gharb al-Islaami print, 1403 AH; and *al-Mughni Ma' ash-Sharh al-Kabeer* for Ibn Qudaamah, volume 11/326-327, published by Daar al-Awqaaf in Saudi Arabia.

[b.]**Writing:** What these constitutions have written of them, making forbidden things permissible, such as interest, alcohol, gambling and fornication and adultery, and how they permit the blood of a Muslim for the blood of a *kaafir*, and the examples of this are many, and take many forms:

- From it, is the obligation to rule by the forbidden, as we read in the constitutions: 'Ruling in the Courts is with the Law', and this law is falsehood, and forbidden and disbelief; but they make it an "obligation" to rule by it, and imposing is greater than making a matter permissible, for the permissible, you have a choice, you can do it, and you can not do it, but imposing something means that if you do not do it, you get punished. For that reason, these people (law-makers), they punish those who do not rule by their man-made laws.

- From it, is making the blood of a Muslim permissible without an Islaamic *shar'ee* reason, so that if a Muslim was to rebel against one of them apostates - whom it is obligatory to remove - his blood would become permissible and they would kill him, and this man, this *Mujaahid*, who is fulfilling an Islaamic obligation would be killed and his blood would be considered *halaal* by the law.

- From it aswell, is their permittance of forbidden things, such as providing licences for interest-based banks, and the opening of bars, and dance clubs and gambling (betting) places, and prostitute homes (brothels), and so on. And licencing (*at-tarkhees*) is like permitting something as Ibn Manthoor says in *Lisaan al-'Arab* under that entrance. Whoever makes something on which there is an *ijmaa'* on permissible, disbelieves with *ijmaa'* as Ibn Taymiyyah mentions in *Majmoo' al-Fatawaa*, volume 3/267. We see, in this day and age, some states claiming to be Islaamic, and rule by the Book and the Sunnah, yet they give licences and permit interest banks, and this alone is enough to do *takfeer* of those governments, for this is licencing and permitting and allowing interest, on which there is an *ijmaa'* that is prohibited.

- From it, is their silence on criminal acts that Allah has made forbidden, which means that it is permissible in their law, because their laws state: 'No crime, or punishment except with the principles of the law'. Supporting this statement, is the statement of one of the men who legislated laws in Egypt, who *said*: "And the matter which the law does not consider a crime, then it is permitted in origin, with respect to [or in the eyes of] the authority. . ."⁷⁸. Therefore, according to this, apostasy could be permissible, because these man-made laws do not punish due to it, so if a man insulted Allah or His Prophet, he is not punished instantly; but if he insults the King who rules the country, then he would have been punished due to

⁷⁸ - See *Sharh Qaanoon al-'Uqoobaat*, for Doctor Mahmood Mustafa, page 14, Jaam'iat al-Qaahirah print, edition 10, 1983 print

that, because these constitutions that are put in place in the lands of the Muslims today state that the King/Ruler is infallible and cannot be criticised! Furthermore, we can also say then that according to these man-made laws, fornication is permissible, and alcohol is permissible, and music is permissible, and dancing in public and so on . . .

I will end here, and may possibly add an additional point or two in this post. This will be the last of the necessary introductions bi ithnillah, and the reason why all this has been written is because I wanted to make the matter clearer for our dear readers, and to make them understand the principles, and the fundamentals to this matter, so that when one of the arguers for the rulers of *shirk* comes along and says a few words and mentions a few principles, you would know how to deal with him, and put him in his place of loss.

SECTION B:

The Textual Evidences On The *Kufr* Of The Rulers By Other Than What Allah Has Revealed

After the introductory section which dealt with the matters related to this topic, although not the main issue of the discussion, we will move on to the crux of the matter, and that is the evidences and proof for the disbelief of those rulers who rule by other than the *sharee'ah* of the creator.

So we say, and Allah is our sole helper:

There are three *manattaat* (main elements) of disbelief in this matter of ruling by other than what Allah has revealed:

- 1) **Not ruling by what Allah has revealed:** because ruling by man-made laws consequently means leaving what Allah has revealed and decreed for it, and for Allah is a ruling and a judgement in every matter.
- 2) **Making or inventing a law other than the law of Allah:** and these are the man-made laws themselves that we are talking about here.
- 3) **Ruling by other than what Allah has revealed:** meaning ruling by this law, that is contradictory and against the law of Allah *subhanahu wa ta'ala*.

Everyone of these three *manattaat* is disbelief in itself, and the portion that those rulers who rule our lands today receive of it depends on what they have actually done; as for the president and the ruler himself, then all three are found in everyone of them⁷⁹.

Likewise, the parliaments and assemblies, i.e. the legislative council, then all three are found too, for they are the one who invents the law (*manaata* two⁸⁰) and likewise they permits it and rules by it (*manattaat* one⁸¹ and three⁸²).

Likewise, the ministries of 'justice' also fall into this category as they are the ones who discuss its permissibility and what is to be legislated and what is not to be legislated and so on.

⁷⁹ i.e. Not ruling by what Allah has revealed, Making or inventing a law other than the law of Allah and Ruling by other than what Allah has revealed.

⁸⁰ Making or inventing a law other than the law of Allah

⁸¹ Not ruling by what Allah has revealed

⁸² Ruling by other than what Allah has revealed

As for the judges, the *qudaat*, then *manaat* one and three are found in them, as they do not legislate any laws, but rather they rule by them and do not rule by what Allah has revealed. In that, if he were to decree that a thief is to be jailed, then he has not ruled by what Allah has revealed (that is to cut his hand), and ruled by other than it and that 'other' is what they - the councils in charge and ruler - have legislated for it. In certain countries, the judges take the role of legislating as well, so that three *manaattaat* of disbelief are found in them.

In the following, we will *inshAllah* seek to establish the decree of Allah - subhanahu wa ta'ala - in those rulers today, and an elucidation of their *kufri*:

First Main Element Of Disbelief:

***Tarkul-Hukm Bimaa Anzal Allah* (Not ruling by what Allah has revealed)**

Proof that it is *kufir* is His saying, *subhanah*:

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ⁸³

‘And whoever does not rule by what Allah has revealed then they are the disbelievers’, Allah *subhanahu wa ta’ala* here makes the ruling of disbelief based simply on not ruling by what He has revealed, **and not on ruling by other that it**. The ayah is general, and is defined and signified by “*al*” (as has been explained in the introductory points), so it is major *kufir*; based on this, some scholars of Islaam have stated that leaving ruling by what Allah has revealed in one matter from the matters then that person is a *kaafir*, whether he was ruling by what Allah has revealed generally, or not, and no one is exempted from this except the mistaken *mujtahid*.⁸⁴

Coming up next will be a detailed explanation of the second *manaah* of *kufir*, with the help of Allah *subhanahu wa ta’ala*.

⁸³ (Surat al-Maa'idah: 44)

⁸⁴ Note however, that this opinion will be discussed further, and it will become clearer to the reader that this is in fact a slightly less popular view amongst the scholars of the *Salaf*, but nonetheless it is a valid opinion with its strong evidences, and in addition this is irrelevant to the rulers today as they have not only ruled by other than what Allah has revealed, but they have also legislated and ruled by their man-made legislations, thus fulfilling the second and third *manattaat* of disbelief.

Second Main Element Of Kufr

The Textual Evidences On The Kufr Of The Rulers By Other Than What Allah Has Revealed

And the second *manaat* of disbelief is as has been mentioned: **Legislating that which Allah has not permitted, meaning, making or inventing a law other than the law of Allah.**

It has been already stated, in the first post - the introduction - that legislation and judgement is solely for Allah, as He, *subhanahu wa ta'ala* says: **“Verily ruling is only for Allah”** and **“And none share in His ruling”**. Upon that, anyone who makes and invents a law that contradicts Allah’s law, then he has made himself a partner with Allah, and made himself a god for people, and he disbelieves due to that, and with all these things due to the following evidences:

Number one: **“Do they have partners who have legislated for them in the religion, what Allah has not permitted?”**⁸⁵.

It is clear then, and established that whoever legislates what Allah has not permitted, then he has made himself a partner in *ruboobiyyah* with Allah and associate with Him *subhanah*.

And the meaning of **“in the religion”** is the law, and the system, as this is form the meanings of “religion”, as Allah speaks of Yoosuf *‘alayhis-salaam*, and says **“It is was not for him to take his brother into the religion of the king**, and the ‘religion’ here is the *sharee’ah* of that king.

In the *tafseer* of this *ayah*, Ibn Katheer, *rahimahullah said*: ‘And His saying, may He exalt in His highness: **“Do they have partners who have legislated for them in the religion, what Allah has not permitted?”**⁸⁶: meaning, they do not follow what Allah has legislated for you in this upright religion, but rather they follow what their *shayateen* of jinn and man, and what they have legislated for them of taboos, such as the *Bahirah Saa`ibah*, *Wasilah*, or *Ham*. They also permitted eating flesh and blood of animals not slaughtered for consumption, gambling and other kinds of misguidance, ignorance and falsehood. These are things that they invented during *Jahiliyyah*, when they came up with all kinds of false rulings on what was permitted and what was forbidden, and false rites of worship and other corrupt ideas.”⁸⁷

⁸⁵ surat ash-Shoora: 21

⁸⁶ (ash Shoora 42:21)

⁸⁷ - See *Tafseer Ibn Katheer*, vol. 4/111

Ibn Taymiyyah, *rahimahullah* said of this *ayah*: **“Do they have partners who have legislated for them in the religion, what Allah has not permitted?”**⁸⁸, so whoever makes it acceptable (*nadab*) for something to seek closeness to Allah with, or made it obligatory with his words or actions without Allah permitting so, then he has legislated in the religion what Allah has not permitted, an whoever follows him in that then he has taken [that man] as a partner with Allah, he has legislated for him in the religion what Allah has not permitted”.⁸⁹

Number two: “And none shares in His ruling”⁹⁰

The same that was said in the above evidence is said here, and that is whoever legislates that which Allah has not permitted then he has made himself a partner with Allah *ta’ala*. I will quote the *tafseer* of *Shaykh* ash-Shinqeeti, *rahimahullah*, of this *ayah* in the following posts *bi ithnillah*.

Number three: “And so to many of the mushrikeen their (Allah’s so-called) “partners” have made fair-seeming the killing of their children”⁹¹.

The *ayaat* around this *ayah*, start with, **“And they assign to Allah a share of the tilth and cattle which He has created, and they say: “This is for Allah according to their pretending, and this is for our partners.” until “Indeed lost are they who have killed their children, from folly, without knowledge, and have forbidden that which Allah has provided for them, inventing a lie against Allah. They have indeed gone astray and were not guided.”**

Ibn ‘Abbaas *radiallahu ‘anhumaa* said: “If you are curious to know the ignorance of the Arabs, then read what is above [before], *ayah* 103 from *Surat al-An’aam*: **‘Indeed lost are they who have killed . . . ‘ to ‘and were not guided’**”⁹².

What is referred to by Ibn ‘Abbaas *radiallahu ‘anhumaa*, in this statement, is the ignorance and *shirk* in Allah that the people of the days of ignorance used to have. And this ignorance and *shirk* was because their associates in lordship (their *shurakaa`*), from the *shayateen* of man and jinn had made it *halaal* what Allah had made *haraam*, and what Allah had not permitted, and from that is the killing of children fearing poverty, and burying girls in fear of shame.⁹³

⁸⁸ (ash Shooraa 42:21)

⁸⁹ - See *Iqtidaa` as-Siraat al-Mustaqeem*, page 267 of al-Madani print

⁹⁰ (Surat al-Kahf: 26)

⁹¹ (Surat al-An’aam: 137)

⁹² - Collected by al-Bukhaari

⁹³ For more revise the *tafseer* of Ibn Katheer, volume 2/179-181

The first person to have legislated for them these false legislations was ‘Amr bin Luhayy al-Khazaa’iy, as you will see in the next evidence (no. 4). And so from the clearest evidences in this ayah that legislating other than what Allah has permitted is disbelief, is Allah’s description of it in His words “partners”; in that He described whoever legislates as a partner with Him, *ta’ala* Allah *‘an thaalik ‘uloowan kabeera*.

Number four: “Allah has not legislated things like *Bahirah*⁹⁴ or a *Sa’ibah*⁹⁵, or a *Wasilah*⁹⁶ or a *Ham*⁹⁷. But those who disbelieve invent lies against Allah, and most of them have no understanding.”⁹⁸

Ibn Katheer, *rahimahullah*, said, “al-Bukhaari *said*: Moosa bin Isma’eel informed us that, Ibraheem bin Sa’d on the authority of Saaleh bin Kaysaan on the authority of Ibn Shihaab on the authority of Sa’eed bin al-Musayyab who *said*: ‘the *Bahirah* is a female camel whose milk was spared for the idols and no one was allowed to milk it. The *Sa’ibah* is a female camel let loose for free pasture for the idols, and nothing was allowed to be carried on it.

Abu Hurayrah said that the Messenger of Allaah [saaws] said, ‘**I saw ‘Amr bin ‘Amir Al-Khuza’i pulling his intestines behind him in the Fire, and he was the first to start the practice of *Sa’ibah*’.**

As for the *Wasilah*, it is a female camel set free for the idols because it had given birth to a she-camel in its first delivery and then another she-camel at its second delivery. They used to set such camel free if she gave birth to two females without a between them. As for the *Ham*, it is a male camel which would be freed from work for the idols, after it had finished a number of copulations assigned for it. The male camel freed from work in this case is called a *Hami*. This is how Muslim and an-Nisaa’i collected it. . . . So this man, ‘Amr, is the son of Ibn Luhayy the son of Qim’ah, who was one of the leaders of Khuzaa’ah, who took control of the House (al-Ka’bah), and he was from the first to change the religion of Ibraheem al-Khaleel, so he entered the idols into the peninsula and called the backward people to worship it and seek closeness to it, and he legislates for it these *Jaahili*

⁹⁴ (a she_camel whose milk was spared for the idols and nobody was allowed to milk it)

⁹⁵ (a she_camel let loose for free pasture for their false gods, e.g. idols, etc., and nothing was allowed to be carried on it)

⁹⁶ (a she_camel set free for idols because it has given birth to a she_camel at its first delivery and then again gives birth to a she_camel at its second delivery)

⁹⁷ (a stallion_camel freed from work for their idols, after it had finished a number of copulations assigned for it, all these animals were liberated in honour of idols as practised by pagan Arabs in the pre-Islamic period)

⁹⁸ (Surat al-Maa’idah: 103)

legislations, as Allah speaks of them: **‘And they assign to Allah a share of the tilth and cattle which He has created’** to the end of those *ayaat*. . . . And His saying, *ta’ala*, **“But those who disbelieve invent lies against Allah, and most of them have no understanding.”** means that they have legislated these things, which are not even a way of seeking closeness to Him, but the *mushrikeen* lied and legislated it and made it a way for them to seek closeness to Him, and what they want will not happen for them, rather what they are doing is going to be a disaster for them” - End of the words of Imaam Ibn Katheer.⁹⁹

What is wanted by us in this *ayah*, is that Allah has called those who legislate as disbelievers who lie, **“But those who disbelieve invent lies against Allah, and most of them have no understanding.”**

Number five: “The postponing (of a Sacred Month) is indeed an addition to disbelief: thereby the disbelievers are led astray, for they make it lawful one year and forbid it another year in order to adjust the number of months forbidden by Allah, and make such forbidden ones lawful. The evil of their deeds seems pleasing to them. And Allah guides not the people, who disbelieve.”¹⁰⁰

an-Nasee` (postponing of the months), is an institution (a legislation) in conflict with Allah’s legislation of sacred months. In *Jaahiliyyah*, if they wanted to fight in a particular month that was sacred (which was prohibited to them), they would simply alter the months, saying that this year this month is not sacred, instead this month is, thus legislating in this matter what Allah has made forbidden. So Allah informed them that this is an ‘increase’ and addition in disbelief, and an increase in disbelief is disbelief.

Ibn Katheer, *rahimahullah* said of this *ayah*: “And from the things that Allah criticised the *mushrikeen* for is their control and treatment of the *sharee’ah* of Allah and them using their corrupt opinions to change to the rules of Allah with their cool desires, and their making *halaal* what Allah had made *haram*, and them making *haram* what Allah had made *halaal* . . . and they had innovated before Islaam in a slight period, the making *halaal* of the month of al-Muharram, and delaying it to the month of Safar, so they make *halaal* the sacred months, and make *haram* the normal other months, so that they are in agreement with the number of months Allah has made forbidden”¹⁰¹.

Abu Mansoor al-Baghdadi, *rahimahullah*, said in *al-Farq bin al-Firaq*, in his description of the one of the groups outside of Islaam, “Or making permissible

⁹⁹ see: *Tafseer al-Qur’aan al-’Atheem*, volume 2/107-108

¹⁰⁰ (Surat at-Tawbah: 37)

¹⁰¹ - See *Tafseer Ibn Katheer*, vol. 2/356

(*abaah*) what the *Qur'aan* has declared forbidden, or making forbidden what Allah has made *mubaah* clearly without further interpretation required - then he is not from the *ummah* of Islaam and there is no respect (*walaa karama*).”¹⁰²

And it has been stated earlier in this book that the governments today have licensed interest-based banks, and alcohol and their likes - not forgetting their allowance of apostasy and insulting Allah and mockery of His *deen*, so whoever does it or allows its practice is out of this *ummah* and deserves no respect whatsoever, so what of the ones who **impose** this unto the people ?

Number six: **“They took their monks and rabbis as lords beside Allah, and Jesus the son of Maryam, and they were not commanded to worship except one Lord, *laa ilaha illa huw*, exalted He is above what they associate with him”**¹⁰³

Ibn Katheer, *rahimahullah*, said of this *ayah*: “And His saying: **“they took their monks and rabbis as lords beside Allah, and Jesus the son of Maryam”**; *Imaam* Ahmad, at-Tirmithi and Ibn Jareer collect from the way of ‘Aday bin Haatim, radiallahu ‘anh, that when he heard of the call of the Messenger of Allah, *sallallahu ‘alayhi wa salam*, he rushed to ash-Shaam [the Levant], and he had become a Christian in *Jaahiliyyah*, so his sister and a group of people from his tribe were taken as prisoners, but the Messenger of Allah, *sallallahu ‘alayhi wa salam*, released his sister, so she returned to her brother and made him interested in Islaam and in coming to see the Messenger of Allah, *sallallahu ‘alayhi wa salam*, so ‘Aday came to Madeenah, and he was the leader of his tribe, Tee’, and his father was Haatim at-Taa’ee, popularly known as al-Karam; so the people talked about ‘Aday’s coming, and when he entered upon the Messenger of Allah, *sallallahu ‘alayhi wa salam*, and he was wearing a silver cross, and the Messenger was reading: **“They took their monks and rabbis as lords beside Allah, and Jesus the son of Maryam”**, so I said: “They never used to worship them”, so he said, *sallallahu ‘alayhi wa salam*, “Surely they did, did they not make *haraam* what was made *halaal*, and made *halaal* what was made *haraam*, so they followed them, and that is worshipping them”...And this is what Huthayfah bin al-Yaman, ‘Abdullah bin ‘Abbaas and others said in the *tafseer* of this *ayah* **“They took their monks and rabbis as lords beside Allah, and Jesus the son of Maryam”**. as-Suddi said of this *ayah*: Meaning, they consulted men and ignored the book of Allah behind their backs, and for that reason, Allah said: **“and they were not commanded to worship except one Lord”**, meaning what He makes *haraam*, then it is *haraam*, and what He makes *halaal* then it is *halaal*, and He is followed and His command fulfilled, **“*Laa ilaha illa huwa*, exalted He is above what they associate with Him”**, meaning, He is above, holier, and free from the partners,

¹⁰² - See *al-Farq bin al-Firaq*, page 14, Mu`assasat al-Halabi print.

¹⁰³ - (Surat at-Tawbah: 31)

and helpers, children, and challengers they make for Him, and there is no God but Him.¹⁰⁴

The *ayah* is clear then that the one who legislates, and makes *haraam halaal*, and *halaal haraam*, then he has made himself an associate with Allah, and this is from the clearest of *kufir* which many of those rulers have fallen into today.

Number seven: **“Say (O Muhammad): “O people of the Scripture (Jews and Christians): Come to a word that is just between us and you, that we worship none but Allah, and that we associate no partners with Him, and that none of us shall take others as lords besides Allah. Then, if they turn away, say: “Bear witness that we are Muslims.””**¹⁰⁵

Al-Qurtubi, *rahimahullah* says of this *ayah*: **“and that none of us shall take others as lords besides Allah”**, meaning that we are not to follow the men in making things *halaal* and *haraam*, except in accordance with Allah, [otherwise this *ayah* befalls us], and this is a mirror of His saying, *subhanahu wa ta’ala*: **“They took their monks and rabbis as lords beside Allah, and Jesus the son of Maryam”**, meaning they raised those monks and rabbis to a level equal to Allah, by accepting their *tahreem* [(making forbidden)] of what Allah made *halaal*, and *tahleel* [(making permissible)] of what Allah made *haraam*”.

And what has been said above applies fully to those rulers, and their assemblies, and their legislative councils. They have shown clearly how these rulers have taken positions –only deserving of our Creator, *subhanahu wa ta’ala*, as the attribute of legislation is only for Allah, **“Verily ruling is only for Allah”**.

Having mentioned the proofs for the second *manaat* of *kufir*, we will move on to the third in the next post *bi ithnillahi ta’ala*.

Whatever good here is from Allah *jalla fee ‘ulaah*, any mistakes are from me and the *shaytaan*, and I seek forgiveness from Allah for them.

¹⁰⁴ - See *Tafseer Ibn Katheer*, volume 22/248-249. And the hadeeth of 'Aday bin Haatim was declared *hasan* by at-Tirmithi and Ibn Taymiyyah, see, *Majmoo al-Fatawaa*, volume 7/67

¹⁰⁵ - (Surat aal-'Imraan: 64)

Third Main Element of kufr

The textual evidences on the *kufr* of the rulers –ruling by other than what Allah has revealed:

And the third *manaaf* of disbelief in this matter, is as has been mentioned: ruling by other than what Allah has revealed. The meaning of this is a man, rules by the man-made legislated law in contradiction to Allah’s law.

The evidences for this are the following:

Number one: “Do they have partners who have legislated for them in the religion, what Allah has not permitted?”¹⁰⁶

The explanation of this *ayah* has been mentioned in the discussion of the second *manaaf*, so revise that, ash-Shinqeeti said of this *ayah*: “And so when legislation in all matters - *shar’iyyah* or *kawniyyah* (cosmic?) - is from the specifics of *Ruboobiyyah*, as the mentioned *ayah* says, then all those who follow a legislation/institution other than the legislation of Allah, then he has taken that legislator a lord, and associated him with Allah”.¹⁰⁷

Number two: “And none shares in His ruling”¹⁰⁸

The same that was said in the above evidence is said here, ash-Shinqeeti, ‘*alayhi rahmatullah* said, “And with these Heavenly texts that we have mentioned, it becomes quite clear that the ones who follow the fabricated laws, which the *Shaytaan* has legislated upon the tongues of his *awliya*’ and which oppose that which Allaah, *jalla wa ‘ala*, has legislated upon the tongues of His Messengers, peace be upon them, that no one doubts their *Kufr* and their *Shirk* except for those whom like them, whom Allaah has removed his sight and has blinded them to the light of the revelation”¹⁰⁹.

Number three: “They took their monks and rabbis as lords beside Allah, and Jesus the son of Maryam, and they were not commanded to worship except

¹⁰⁶ Surat ash-Shoora: 21.

¹⁰⁷ - See *Adwaa` al-Bayaan*, volume 7/196

¹⁰⁸ (Surat al-Kahf: 26)

¹⁰⁹ - See *Adhwaa Al-Bayaan*, Vol. 4/ 82-85. He also said that it is very astonishing that those people who do not implement the legislation of Allâh(*subhanu wa Ta’âlâ*) claim to be Muslims as Allâh(swt) has made it clear in the *Ayat* of *Surah An Nisaa* and *Al Mâidah*.” see *adDwao al Bayan*

one Lord, laa ilaha illa huw, exalted He is above what they associate with him”¹¹⁰.

This ayah has been explained in the previous posts, but I mention here the explanation of *Shaykh* ‘Abdurahmaan bin Hasan aal-ashaykh, in his book *Fath il-Majeed*,

“So it is made clear with this, that the ayah (9:31) proves that whoever obeys other than Allaah and His Messenger and turns away from taking from the Book and the Sunnah, concerning making *Halaal* what Allaah made *Haraam* or making *Haraam* what Allaah made *Halaal* or obeys him in the disobedience of Allaah and follows him in what Allaah did not give permission for, then he has taken him as a lord and something worshipped and made him a partner with Allaah and that contradicts the *Tawheed* which is the *Deen* of Allaah that the words of *Ikhlaas: La Illaaha il-Allaah*, have indicated. (This is) because the *Ilaah* is the thing, which is worshipped, and Allaah, *ta’ala* labeled their obedience as worship towards them and called them lords.

Like He, *ta’ala* said: **‘And He does not order you to take the angels and the Prophets as lords... ‘** In other words, **‘... as partners with Allaah in His worship... ‘** – **‘Does He order you to do *Kufr* after you were Muslims?’** And this is the *Shirk* because anything which is worshipped is a Lord and all things, which are obeyed or followed concerning other than what Allaah or His Messenger have legislated, then he has been taken by the obedient one or the follower as a Lord and a thing to be worshipped.

Like He, *ta’ala* said in *Surah An’am*: **‘And if you obeyed them, then you are *Mushrikeen*.**’ And this is the meaning of this *Ayaah* and like this *Ayaah* in meaning is His, *ta’ala*’s saying: **‘And do they have partners who have legislated in the *Deen* what Allaah did not give permission for?’** And Allaah knows best.”¹¹¹.

There are plenty of more evidences for this *manaat*, but we will end with the three brief evidences mentioned above, due to fear of lengthening too much and making this topic getting a bit boring. Therefore, ending here, the next post will be concerning the reason of the revelation of the ayah in *Surat al-Maa’idah*, then examples of the *kufr* of the rulers who occupy our lands today, one by one, and with the exact text from their constitution. After that we will go onto about twenty doubts discussing each one clearly, and thoroughly for our brothers. And Allah is the only helper to all good. *Walhamdulilahi rabbil’alameen*.

¹¹⁰ - (Surat at-Tawbah: 31)

¹¹¹ - See, *Fath Al-Majeed*, Pg. 110-111. Published by Dar Al-Fikr

WORDS REGARDING HIS (SWT) SAYING:

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

“And whosoever does not rule by what Allah has revealed, then they are the disbelievers”

And here, two things will be clarified *bi ithnillah*.

Number one: The main mistake many people have fallen into, with regards to this great matter is their inability to differentiate between legislation and not ruling by what Allah has revealed once or twice - whilst abiding to *Islaamic* ruling generally, and totally. And we find the opposer always bringing the statements of the *Salaf* regarding the condition of *al-istihlaal* for doing *takfeer* of the one who does not by what Allah has revealed, and we say to them, yes we agree with you on this matter. But this is not the reality we live today, we are not in the time of Bani Ummayyah, who would rule by what Allah has revealed, who implemented the *Qur'aan* as the set law, but at times, had judges who may have ruled once, or twice favour of a particular person.

Today, the situation is different: we have rulers, who have replaced the *sharee'ah* of Allah, and have written and imposed man-made constitutions upon the people. This is the crux of the matter. And this is the exact reason why the *ayah* in *Surat al-Maa'idah* was revealed as will come clear to the reader *insha`Allah*.

Our difference with the people is over *at-tashree'*, is it *kufr*, yes or no? If they say yes, then they are correct, and it will then become clear to them why these governments have apostated. If they say no, then they have gone against the *Qur'aan*, *Sunnah* and the *ijmaa'* of the *ummah* which *Shaykh al-Islam Ibn Taymiyyah* and his student *Ibn Katheer*, mention, as you will read.

Therefore, there is a difference between *at-tashree'*, legislation, and not ruling by what Allah has revealed once or twice. One is a replacement of Allah's laws, the other, you may be practicing the laws of Allah fully, but due to desires may have disobeyed Allah and committed a great sin, which can reach to *kufr*.

Number Two: The reason for the revelation of the *ayaat* differs slightly between two narrations, as *Shaykh Ahmad Shaakir* recalls in '*Umdat at-Tafseer*', but the more correct one is the following:

a) The *ayaat* from *Surat al-Maa'idah*: 41-50 were revealed, according to one narration in two Jews who committed fornication, and they replaced the book of

Allah that was amongst them, that orders them to lash the one who does such an action, they replaced this ruling because these two Jews were nobles.¹¹²

But in the end, they both agree that these Jews replaced the ruling of Allah, and what happens today by these rulers is an exact mirroring of what was done by them. They have replaced the rule of Allah with these man-made constitutions, and thus this ayah applies to them fully.

ON THE *TAFSEER* OF THE SAYING OF ALLAH *Ta'ala*:

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

“And Whosoever Does Not Rule By What Allah Has Revealed, Such Are The Disbelievers”.

Ibn Katheer, *rahimahullah* says: “And His saying, *ta'ala*: **“And whosoever does not rule by what Allah has revealed then such are the disbelievers”** al-Baraa bin ‘Aazib, Huthayfah bin al-Yamaan, Ibn ‘Abbass, Abu Mujliz, Abu Rajaa’ al’Ataaridi, ‘Ikrimah, ‘Ubaydullah bin ‘Abdullah, al-Hasan al-Basri and others [said]: ‘It was revealed regarding the people of the book’, and al-Hasan al-Basri added: ‘And it is obligatory upon us’.

“‘Abdurazzaq said, on the authority of Sufyaan ath-Thawri, from Mansoor, from Ibraheem, who *said*: ‘They were revealed in the children of Isra’eel, and Allah was content with it for this *ummah*’,¹¹³.

“Ibn Jareer narrates aswell, I was informed by Yaqub bin Ibraheem who said, I was informed by Hushaym who said, I was informed by ‘AbdulMalik bin Abi Sulayman from Salamah bin Quhayl from ‘Alqamah and Masrooq that they asked Ibn Mas’ood about bribery and he said, It is from the unlawful trade So he (Quhayl) said, ‘And in the *Hukm* He (Ibn Mas’ood) said, ‘That is the *Kufr*! (*thaak al-kufr*). And then he recited: **“And whosoever does not judge by what Allah has revealed, such are the disbelievers”**

“as-Sudi *said*: **“And whosoever does not judge by what Allah has revealed, such are the disbelievers”**, He is saying, whoever does not rule by what I have brought down, so he left it purposely, or became tyrannical, and he knows, then he is from the disbelievers.

¹¹² I have summarised very quickly, as this is something that is quite well known, and you can refer to the *tafseer* of Ibn Katheer of these *ayaat* to read more about he second reason of revelation, and so on.

¹¹³ collected by Ibn Jareer

“And ‘Ali bin Abi Talhah said, from Ibn ‘Abbass, His saying: **“And whosoever does not judge by what Allah has revealed, such are the disbelievers”**: whoever rejects what Allah has revealed then he has disbelieved, but whoever affirms it [and doesn’t rule] then he is an oppressive, faasiq. Narrated by Ibn Jareer, then he chose that this meant that whoever refers to the people of the book, meaning, whoever rejects what has been revealed by Allah in the book [Qur’aan, Tawraah, etc].

“Abdurazzaq, narates from ath-Thawri from Zakariyyah, from ash-Sha’bee, **“And whosoever does not judge by what Allah has revealed”** is referring to the Muslims.

“Abudrazzaq also narrates from Ma’mar, who informed him from Ibn Tawoos, that his father asked Ibn ‘Abbass about His saying, *ta’ala*, **“And whosoever does not judge by what Allah has revealed, such are the disbelievers”**, so he *said*: ‘This is a trait of *kufr hiya bihi kufr*’, and Ibn Tawoos *said*: ‘And not like the one who disbelieves in Allah, or His Angels, or Books or Messengers’

“ath-Thawri said, from Ibn Jurayj from ‘Atta`, that he *said*: ‘*Kufrun duna kufr, thulmun duna thulm, fisqun duna fiqh* [Kufr less than kufr, oppression less than oppression, and evil-doing, less than evil doing]’

“And Wakee’ said, from Sa’eed al-Makki, from Tawoos: **“And whosoever does not judge by what Allah has revealed, such are the disbelievers”**, he *said*: ‘It is not disbelief which expels one from the millah’.

“And Ibn Abi Haatim said, Muhammed bin ‘Abdullah bin Yazeed al-Muqree narrated to us, that Sufyaan bin ‘Uyaynah narrated, from Hishaam bin Hujayr from Tawoos that Ibn ‘Abbass said regarding **“And whosoever does not judge by what Allah has revealed, such are the disbelievers”** ‘It is not the *kufr* which you are heading for (*laysa al-kufr alathi tathhaboona ilayh*). Narrated by al-Haakim in his *Mustadrak* from the hadeeth of Sufyaan bin ‘Uyaynah, and he said that it is Saheeh according to the conditions of the Shaykhayn [al-Bukhaari and Muslim], but they did not report it”¹¹⁴

All the other different interpretations of this ayah will be recalled in the next post *bi ithnillah*. Those who argue against doing *takfeer* of these contemporary rulers use the sayings above, and especially the saying attributed to Ibn ‘Abbass *kufrun duna kufr* as some sort of evidence for that, and in what is coming up, it will become clear to the reader how astray they have gone, and how their claims collapse unto themselves.

¹¹⁴ - See *Tafseer Ibn Katheer*, volume 2/61.

CONCERNING THE TAFSEER ATTRIBUTED TO IBN ‘ABBASS;

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

“And whosoever does not rule by what Allah has revealed, such are the disbelievers”

Is The *Kufr* In This Ayah, *Kufr Akbar* Or *Kufr Asghar*

A beginning note, most of the following is taken from Abu Ayoob bin Noor al-Burqa’ee/Abu Marwaan as-Sudaani’s refutation of ‘Ali al-Halabi in his takhreej of the *athaar* of Ibn ‘Abbaas. I will quote the *athar*, then quote al-Burqa’ees reply, insha’ Allah.

Athar One and Two

Ibn Jareer reported, “Narrated to me, Hunaad and narrated to me, Ibn Wakee’ah who said, ‘Narrated to me, my father from Sufyaan from Mu’amr Ibn Rashaad from Ibn Tawoos from his father from Ibn ‘Abbas, “and whosoever does not judge by what Allah has revealed, such are the disbelievers”. [He said] ‘In it there is *Kufr*, but not like *Kufr* in His Angels and His Books and His Messengers’”¹¹⁵

Comment: I say this *isnaad* is *saheeh*, and what it apparent is that all the statement is from Ibn ‘Abbass *rahimahullah*. And many people have fallen for this *athar* due to its *isnaad* and have not noticed the *idraaj* (interpolation) which is made clear by the narration found in the collection of Imaam ‘Abdurazzaaq (who said):

We were informed by Mu’amar from Ibn Tawoos from his father: “Ibn ‘Abbass was asked about His saying: **“and whoever does not rule by what Allah has revealed, such are the disbelievers”**, [so] he *said*: “In it there is *kufr*” (*hiya bihi kufrun*). Ibn Tawoos *said*: “But not like *kufr* in His angels, and His books and His messengers”“

And *idraaj*, as can be read in the small booklet on science in *hadeeth* in English, by Shaykh Suhayb Hasan, is: “If an expression or statement is proved to be an addition by a reporter to the text, it is declared as *mudraj* (interpolated).” al-Burqa’ee quotes the definition of ath-Thahabi, which adds that ‘and later a *hadeeth* may be found that splits the additional expression of the reporter, from the original statement.”¹¹⁶

¹¹⁵ (See: *Tafseer Ibn Jareer*, Vol. 6/256)

¹¹⁶ see *al-Muwqitha fi ‘Ilm il-Hadeeth*, page 53-54]

[al-Burqa'ees words:] Add to that, that 'Abdurazaaq is more reliable (*athbat*) and more better (*atqan*) than Mu'amar, and the saying is for him if differing occurs:

Ya'qoob bin Shaybah says: "'Abdurazaaq is more reliable than Mu'amar, and better"

And Ibn 'Asaakir *said*: "I heard Ahmad bin Hanbal say, 'If you see the companions of Mu'amar differ, then the *hadeeth* is for 'Abdurazaaq'".¹¹⁷

[In addition, one should note that Ibn Katheer does not mention the *athar* found in Ibn Jareer with its *idraaj*].

Athar Three

al-Haafith Ibn Nasr al-Marwazee *said*: "Narrated to us Muhammed bin Yahya, narrated to us 'Abdurazaaq, narrated to us from Sufyaan, from a man, from Tawoos from Ibn 'Abbass, in His saying: "...such are the disbelievers".

He *said*: '*Kufr* which does not expel one out of the *millah*.'".¹¹⁸

And the *isnaad* is *da'eef* due to the unknown man.

Athar Four

al-Haafith Ibn Nasr *said*: "Narrated to us Yahya bin Yahya, Sufyaan bin 'Uyaynah informed us, from Hishaam (bin Hujayr), from Tawoos that Ibn 'Abbass said concerning His saying, "...such are the disbelievers", he said 'It is not the *kufr* which you are going to'.

Comment: And this *sanad*, its people are trustworthy except Hishaam bin Hujayr al-Makki, for he has been weakened by the great *a`immah*:

Such as 'Ali bin al-Madeenee, Yahya bin Sa'eed.¹¹⁹

'Abdullah bin Ahmad *said*: "I asked Yahya about Hishaam bin Hujayr and he weakened him very much".¹²⁰

¹¹⁷ (See: *Sharh 'Ilal at-Tirmithi* for Ibn Rajab, volume 2/607)

¹¹⁸ (See *Ta'theem Qadr is-Salaah*, number 573)

¹¹⁹ (see: *al-Jarh wat-Ta'deel*, volume 9/54)

¹²⁰ (See *al-'Ilal wa ma'rifat ar-Rijaal*, volume 2/30)

And he also *said*: “I heard my father [Imaam Ahmad] say: ‘Hishaam bin Hujayr is a Makki, and he is weak in hadeeth’”¹²¹

And also, al-‘Uqayli recalled him in *ad-Du‘afaa`*.

Athar Five

al-Haakim narrated, from the way of ‘Ali bin Harb, from Sufyaan bin ‘Uyaynah from Hishaam bin Hujayr from Tawoos, that Ibn ‘Abbass *said*: “It is not the *kufr* which you tend to, ‘Whoever does not rule by what Allah has revealed, such are the disbelievers’ is *kufr* lesser than [greater] *kufr*”.¹²²

And this *athar*, despite its popularity, is also from the path of Hishaam bin Hujayr and he has been declared weak by the mountains of knowledge from amongst the *Salaf*.

Athar Six

Ibn Jareer at-Tabari said, narrated to us al-Muthanna, ‘Abdullah bin Saaleh said, Mu‘awiyah bin Saaleh told us, that ‘Ali bin Abi Talhah, from Ibn ‘Abbass that he said concerning His saying: “Whoever does not rule by what Allah has revealed, such are the disbelievers”, ‘Whoever rejects what [He] revealed then he has disbelieved, and whoever affirms it, and does not rule by it, then he is a *thaalim* and *faasiq*”¹²³

And ‘Abdullah bin Saaleh is: Ibn Muhammed bin Muslim al-Juhni al-Misree, al-Layth bin Sa’d scribe, and he is weak.

‘Abdullah bin Ahmad *said*: I asked my father about ‘Abdullah bin Saaleh, the scribe of al-Layth bin Sa’d, so he *said*: “He was at first firm, then he became corrupt, and he is nothing.” Ibn al-Madeene *said*: “I do not narrate from him anything”.¹²⁴

an-Nisaa`ee *said*: “He is not trustworthy”,

Ahmad bin Saaleh *said*: “He is accused, and is nothing”,

¹²¹ [See: Ibid, volume 1/204]

¹²² [-See *al-Mustadrak*, volume 2/313]

¹²³ [-See Ibn Jareer’s tafseer, volume 4/256]

¹²⁴ - See *al-‘Ilal wa Ma‘rifat ar-Rijal*, volume 2/213

Saaleh Jazarah *said*: “Ibn Mu’een used to consider him trustworthy, and he is to me a liar in *hadeeth*”,

Abu Zur’ah *said*: “To me he wasn’t a person who intentionally lied, and he was acceptable in *hadeeth*”.¹²⁵

Abu Haatim *said*: “Trustworthy, truthful, I never knew him as such”

And much has been said about ‘Abdullah bin Saaleh, but the summary is as follows, as Ibn Hibbaan mentions:

He was righteous within himself, but many false ahadeeth were given to him by his neighbour, and I heard Ibn Khuzaymah say, ‘He had a neighbour, with whom there was much enmity, and he [the neighbour] would narrate the false *ahadeeth* upon the *Shaykh* of Abu Saaleh, and write it in a handwriting similar to ‘Abdullah and he would throw it in his house amongst his books, so ‘Abdullah would imagine that that was his own handwriting, and so he would end up narrating it.’¹²⁶

And in the *isnaad* is ‘Ali bin Abi Talhah, and his full name was Saalem bin al-Makhaariq al-Haashimi.

Ahmad bin Hanbal *said*: “‘Ali bin Abi Talhah, has many criticisms upon him.”¹²⁷

an-Nisaa’ee *said*: “There is no problem with him.”¹²⁸

al-’Ajali *said*: “He is trustworthy.”¹²⁹

Ibn Hibban considered him from the trustworthy reliable narrators, as can be seen in *ath-Thiqaat*, volume 7/211.

Ya’qoob narrated from Sufyaan that he is weak, and not reliable. And he also *said*: He is a Shaami, he is not avoided nor taken as evidence. As for his narration from Ibn ‘Abbas, then is it *munqati’ah* (not connected), for he did not hear from him. Ibn Abi Haatim *said*: I heard my father say, I heard Daheem saying: ‘Ali bin Abi Talhah did not hear tafseer from Ibn ‘Abbas.’¹³⁰

¹²⁵ - [See, *al-Mizaan for ath-Thahabi*, volume 4/441

¹²⁶ [-See *al-Majrooheen* for Ibn Hibbaan[/i]

¹²⁷ [-See *ad-Du’afaa’*, volume 3/234]

¹²⁸ [-See *al-Mizaan* for ath-Thahabi, volume 3/134]

¹²⁹ [-See *Tareekh al-Thiqaat*, page 283]

¹³⁰ [-See *al-Maraseel*, page 117]

Ibn Hibban *said*: “He narrated from Ibn ‘Abbas and never saw him”.¹³¹

[And al-Burqa’ee quotes many more statements, and ends by saying:]

al-Manwaawi quotes, in *Fayd al-Qadeer*, volume 2/397, Ibn Abi Haatim saying regarding ‘Abdullah bin Saaleh: “He is really bad in *hadeeth* when narrating from Mu’awiyah bin Saaleh”. And as any student of this art knows, whoever this kind of statement is said of, then he cannot be used as a witness to anything. Furthermore, I found a refutation for al-Albaani - the *Shaykh* of al-Halabi - were he criticised Ahmad Shaakir for classifying this hadeeth, “‘Abdullah bin ‘Amr narrates, ‘The angels said, ‘Oh our Lord, you gave the children of Aadam the dunya letting them eat and drink in it....’”, so he [al-Albaani] *said*: “And it is not correct to me, to declare this *hadeeth* as strong, relying upon that, with the statement of ‘Abdullah bin Saaleh, due to the latter being from those who have been criticised (*dakhala ‘alayh*)” And then he mentioned Ibn Hibaan’s statement as can be found above.¹³²

And so, we conclude by saying that the only authentic narration concerning the *tafseer* of this *ayah*, from Ibn ‘Abbas is the following:

We were informed by Mu’amar from Ibn Tawoos from his father: “Ibn ‘Abbass was asked about His saying: “**and whoever does not rule by what Allah has revealed, such are the disbelievers**”, [so] he *said*: “In it there is *kufir*”(*hiya bihi kufrun*).

As for the rest, they are all weak, and Allah knows best what is correct.

Written by Abu Ayoob al-Burqa’ee. [End]

In addition, Hasan bin Abir-Rabee’ al-Jurjaani said, that ‘Abdurazzaq informed him that Mu’ammarr narrated from Ibn Tawoos from his father, the statement of Ibn ‘Abbass, “It is enough *kufr* for him” (*kafaa bihi kufruh*), as can be seen in *Akhbaar al-Qadaa’*, volume 1/40 and onwards for Imaam Muhammed bin Khalaf bin Hayyan, known as Wakee’.

And from the contemporaries who have made *tad’eef* of the *athaar* that are attributed to Ibn ‘Abbass, is al-Muhaddith, al-Haafith, ash-Shaykh Sulaymaan al-’Alwaan, *hafithahullah*, as is in *at-Tibyaan Sharh Nawaqid al-Islaam*.

¹³¹ [-See, *ath-Thiqaat*, 7/211]

¹³² [-See his commentary on the explanation of at-Tahawiyah, page 308] So we see that al-Halabi’s shaykh is in agreement with us.

Statements by other companions and *tab'ieen*

1. 'Abdullah bin Mas'ood said, as mentioned by Ibn Katheer in his tafseer, that he was asked about bribery in judgement, so he *said*: "That is the very *kufr* (*thaak al-kufr*)", and then he quoted the ayah, this is also mentioned by Ibn Jareer, who has numerous quotes for this, one of which is from the path of Masrooq who *said*: "I asked Ibn Mas'ood about *as-suht* (ill gotten wealth), is it [like] bribery in judgement?" So he *said*: "No, whoever does not rule by what Allah has revealed then he is a *kaafir*, whoever does not rule by what Allah has revealed then he is a *thaalim*, whoever does not rule by what Allah has revealed then he is a *faasiq*, but *as-suht* is when you help someone to do something oppressive, so he gives you a gift, so you accept it"¹³³. And at-Tabaraani collected, with a *saheeh isnaad*, from Ibn Mas'ood that he *said*: "Bribery in judgement is *kufr*, and it is amongst the people ill gotten wealth"¹³⁴.

2. And similar to this was said by 'Umar bin al-Khattab and 'Ali bin Abi Taalib, *radiallahu 'anhum*, as has been collected by al-Aloosee al-Baghdaadi in his *tafseer*; he *said*: "And Ibn al-Munthir collected from Masrooq that he *said*: "I said to 'Umar bin al-Khattab, *radiallahu ta'ala 'anh*, "What do you think of bribery in judging, is it from the ill-gotten wealth? He said 'No, rather it is *kufr*, ill-gotten wealth is when a man has a position and rank in the view of a ruler, and the man seeks something from this ruler, he cannot achieve this thing, unless he gives the ruler a gift [and this is ill-gotten wealth].'" And 'Abd bin Humayd collected from 'Ali, *radiallahu ta'ala 'anh*, that he was asked about *as-suht* (ill-gotten wealth), he *said*: "It is bribery", so he was asked, "In rulership", he replied: "That is the very *kufr*" (*thaak al-kufr*). And al-Bayhaqi collected from Ibn Mas'ood similar to this statement"¹³⁵.

3) And similar to this has been said by the *tabi'een*, from them: al-Hasan al-Basri, Sa'eed bin Jubayr, Ibraheem an-Nakh'ee, as-Suddi, Ibn Qudaamah al-Hanbali *said*: "Allah *ta'ala* *said*: "*Akaloona lis-suht*" (Takers of ill-gotten wealth), al-Hasan and Sa'eed bin Jubayr explained it to be, "It is bribery", and *said*: "If the judge takes bribes, then it reaches *alkufr*".¹³⁶

al-Qaasimi said regarding its *tafseer*, as has been mentioned in al-Lubaab, that Ibn Mas'ood, al-Hasan and an-Nakh'iee *said*: "These *ayaat* are general regarding the Jews, and regarding this *ummah*, so whoever takes bribes, and replaces the

¹³³ [-See Tafseer of at-Tabari, 6/240]

¹³⁴ Ibn Hajr al-Makki collected it in *az-Zawaajir*, volume 2/189, Daar al-Ma'rifah print 1402 AH

¹³⁵ - [See, *Tafseer Rooh al-Ma'ani*, for al-Aloosee, volume 3, part 6, page 140]

¹³⁶ - [*al-Mughni ma' ash-Sharh al-Kabeer*, volume 11/437-438]

judgement of Allah, so he ruled by other than what Allah has revealed, then he has disbelieved, and oppressed and become evil, and to it went as-Suddi¹³⁷, and it is the apparent meaning of the statement¹³⁸

And in the next posts I will bring (*inshaAllah*) examples of the constitutions and their *kufir* one by one, and mention the doubts of the doubters and how to reply to them.

¹³⁷ And this statement of as-Suddi, was recalled by Ibn Katheer, and Ibn Jareer collected with his sanad: **“Whoever does not rule by what Allah has revealed”**, he [as-Suddi] said: “Whoever does not rule by what I revealed, *so* he left it intentionally, and transgressed whilst knowing, then he is from the disbelievers”. - [See *Tafseer at-Tabari*, volume 6/257.]

¹³⁸ [i.e. the ayah]” - [See *Mahaasin at-Ta`weel*, for al-Qaasimi, volume 6/215, Daar al-Fikr print, 1398 AH]

Reply To Some Doubts

The following statement is sometimes used as evidence for an *ijmaa'* on the correctness of the *athar*:

The Imaam, al-Khateeb al-Baghdaadee has reported in his 'Tareekh' (10/186) that: A man from the *Khawarij* was entered upon al-Ma'moon who said to him, "What has lead you to oppose us?" He replied, "An *aayah* from the Book of Allah, the Most High." Al-Ma'moon said, "And what is it?" He replied: **"And Whoever does not judge by what Allaah has revealed, they are Disbelievers"** (5:44). So al-Ma'moon replied to him, "Do you have knowledge that this is a verse that has been revealed [by Allah]?" He said, "Yes". Al-Ma'moon then asked, "And what is your proof?" He replied, "The *ijmaa'* (consensus) of the *Ummah*". So al-Ma'moon replied, "Then just as you are satisfied about their consensus that this is a revealed *aayah*, then also be satisfied about their consensus regarding its explanation." The man then said, "You have spoken the truth. May peace be upon you O *Ameer ul-Mu'mineen*"!¹³⁹

And this statement has been quoted by the *muqallidah*, who have no clue what they're saying, when quoting their manual, *at-Tahtheer min Fitnat it-Takfeer*¹⁴⁰, and so we reply to them by saying:

How strange is it, that these claimants to as-Salafiyyah, couldn't find a statement to support their claims from the books and words of *Ahl as-Sunnah*, that they had to resort to the words of al-Ma'moon al-Mu'tazili. And so we say:

1) Which explanation is al-Ma'moon al-Mu'tazili referring to? The explanation of Ibn Mas'ood, or Ibn al-Khattab, of Ibn 'Abbass (according to the weak

¹³⁹ So they use this statement of al-Ma'moon as *ijmaa* of the *ummah* that who ever does not rule by the Book of Allah is NOT a kaafir!??.

¹⁴⁰ And you will find their blind followers of English dialect like "Salafi Publications" and her allies propagating these *fikr* of *irjaa*. The scholars who they use as a "shield" like the *al-Lajnah ad-Daa'imah* have also issued *fatawa* against their fathers and their "salafi Manuals –which as they claim have no error like the Quran". And now the built-up castles of their own design have begun to crumble with the *Fatwaa* against Khaalid Al-Anbaree and the two against 'Alee Hasaan Al-Halabee, we see them scurrying about in their confusion and doubts and perhaps this is why we are able to find so much evidence against them from their own articles on their own web site. Anyone who wishes to study regarding their *fikr* can refer to the book "Desicive Refutation Of the Salafi Publication" by brother Abu Hutheyfah. You may find the pdf version <http://www.geocities.com/sprefutations> also you may find refutations regarding them in www.as-sahwah.com.

narrations)?

2) What *ijmaa'* is this that he is referring to? Even if we were to assume he was referring to Ibn 'Abbass words - which requires a proof from the ones who claim this - then, aren't the words of Ibn Mas'ood alone enough to break this *ijmaa'*? Or do these people have no knowledge of *usool al-fiqh* whatsoever?!

3) Strangely enough, this statement is taken from a Mu'tazili, so we say, why did they not ponder upon these words which came from a scholar of *Ahl as-Sunnah*, speaking to the same Mu'tazili ruler:

Found in *al-Bidaayah wan-Nihaayah* for al-Haafith Ibn Katheer, vol. 10/276; on the authority of Ibn 'Asaakir, an-Nidr bin Shumayl *said*:

"I entered upon al-Ma'moon, so he *said*: 'How have you awoken oh Nidr?' So I *said*: 'In goodness, oh *Ameer al-Mu'mineen*' He asked: 'What is *irjaa'*?' I replied: 'A religion that agrees with the Kings, they gain from the *dunya* with it, and lose from their religion' So he *said*: 'You have spoken the truth'""¹⁴¹

And since when has the *ijmaa'* of the people of innovation been an evidence in the religion of Allah??!

May Allah have mercy upon Imaam Ahmad, who *said*: "Whoever claims an *ijmaa'* then he is a liar, perhaps the people have differed, and he doesn't know"¹⁴². And as can be seen in al-I'laam for Ibn al-Qayyim, Imaam Ahmad *said*: "Whoever claims an *ijmaa'* then he is a liar, perhaps the people have differed; these are the claims of Bishr al-Mareesee and al-Asam, let him say: "I do not know of differing, or differing upon this has not reached us".¹⁴³

This satisfies as a reply to this petty doubt insha'Allah, and I will end here... and Allah knows best.

¹⁴¹ And this saying is directly upon them because they promote this *fikr* of *irjaa'* in order to defend their paymaster's throne.

¹⁴² - [See *al-Ihkaam* for Ibn Hazm]

¹⁴³ [- See *al-Ilaam* volume 2/247-248]

EXAMPLES OF THE DISBELIEF OF THE GOVERNMENTS, FROM THEIR CONSTITUTIONS, AND MISCELLANEOUS NOTES

I would like to bring the attention of the reader to one important issue, and it is, that - as will become clear, hopefully in the next post - the matter upon which the people of Islaam do not differ upon at all, and are upon unanimous agreement, is the fact that, legislating what is in clear contradiction, or opposition of the Qur'aan and Sunnah, is what is greater disbelief, and it is upon this matter, that most of the Muslims do *takfeer* of the rulers on.

Meaning: There are two different, although related, matters here:

1) The issue of ruling by other than what Allah has revealed in a matter, and in this, the *Salaf* have some slight disagreement to whether its doer is a disbeliever, or not, and most of this previous chapters so far, has revolved around that topic, and around refuting the doubts related to it and;

2) The issue of legislation (*at-tashree'*), and in this, there is no doubt, amongst the people of Islaam, that the one who places a law for the people to rule, judge and abide by, and this law is in contradiction to what Allah has revealed, then he is a disbeliever.

So, in this post, we will focus on the second matter, I've opted to firstly, bring examples of legislation from the various governments, relying on their own constitutions, that can be found on the internet.

ALGERIA:

Art. 11 - The State takes its legitimacy and its *raison d'être* from the People's will.

Its motto is "By the People and for the People". It is exclusively for the service of the People.¹⁴⁴

BAHRAIN:

ARTICLE 1: (d) The system of government in Bahrain is democratic, under which sovereignty lies with the people, the source of all powers. Sovereignty shall be exercised in the manner specified in this Constitution.

Article 2: Islam shall be the religion of the State; Islamic *Sharia* (Islamic Law) a **main** source of legislation; and Arabic the official language.¹⁴⁵

¹⁴⁴ <http://www.conseilconstitutionnel-dz.org/Anglish/indexAng.htm>

¹⁴⁵ <http://www.eur.nl/frg/iaci/armenia/constitu/constit/bahrain/bahran-e.htm>

BANGLADESH:

The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured].¹⁴⁶

YEMEN

Article (6) The Republic of Yemen confirms its adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and dogma of international law which are generally recognized.¹⁴⁷

SAUDI ARABIA:

Article 70: International treaties, agreements, regulations and concessions are approved and amended by Royal decree.

Article 83: This law may only be amended in the same way as it was promulgated.¹⁴⁸

Further to that, is the recent *fatwa* issued by a group of scholars¹⁴⁹ in the Arabian Peninsula regarding the disbelief found in the courts of law. Entire refer In addition to it being from the founding nations of the United Nations organisation, having joined on (24 Oct. 1945)¹⁵⁰ And much more can be referred.¹⁵¹

¹⁴⁶ <http://www.bangladeshgov.org/pmo/constitution/consti2.htm#7>.

¹⁴⁷ <http://www.al-bab.com/yemen/gov/con94.htm>

¹⁴⁸ http://www.uni-wuerzburg.de/law/sa00000_.html#C001_

¹⁴⁹ Muhammed bin Fahd al'Ali ar-Rashoodi, 'Ali bin Khudayr al-Khudayr, Hamad bin Rayes al-Rayes, Muhammed bin Sulaymaan as-Suq'ubi, Naasir bin Hamad al-Fahd, 'Abdullah bin 'Abdurahmaan aal-Sa'd, Hamad bin 'Abdullah al-Humaydi, Ahmad bin Saaleh as-Sinaani, Ahmad bin Hamood al-Khaaldi, 'Abdul'azeez bin Saaleh al-'Umar. And also see the fatawa(s) re regarding this regime by Shaykh Abu Baseer at www.abubaseer.com and also by Shaykh Maqdisee at www.tawhed.ws where an entire section is referred to this topic.

¹⁵⁰ <http://www.un.org/Overview/growth.htm>

¹⁵¹ See for more info. On the *kufir* of Saudi Regime, *Fatwa Regarding the Saudi Regime* by Shaykh Abu Baseer, and the book "Saudi Arabia and the U.N".

TUNISIA:

And it's status is well known, but, for the benefit:

Article 5 [Personal Integrity, Conscience, Belief]

The Tunisian Republic guarantees the inviolability of the human person and freedom of conscience, and protects the free exercise of beliefs, with reservation that they do not disturb the public order.

Article 6 [Equality]

All citizens have the same rights and the same duties. They are equal before the law.

Article 28 [Legislation]

(1) The National Parliament exercises the legislative power. The presentation of legislation belongs equally to the President of the Republic and to the members of the National Parliament, priority being given to bills presented by the President of the Republic.¹⁵²

TURKEY:

ARTICLE 2. The Republic of Turkey is a democratic, secular and social state governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the m.¹⁵³

SYRIA:

Article 1 [Arab Nation, Socialist Republic]

(1) The Syrian Arab Republic is a democratic, popular, socialist, and sovereign state. No part of its territory can be ceded. Syria is a member of the Union of the Arab Republics.¹⁵⁴

EGYPT:

Article 1: The Arab Republic of Egypt is a democratic, socialist State based on the alliance of the working forces of the people.

¹⁵²

<http://www.eur.nl/frg/iac/armeria/constitu/constit/tunisia/tunisi-e.htm>

¹⁵³ <http://www.byegm.gov.tr/constitution.htm>

¹⁵⁴ http://www.mideastinfo.com/documents/Syria_Constitution.htm

Article 4: The economic foundation of the Arab Republic of Egypt is a socialist democratic system based on sufficiency and justice in a manner preventing exploitation, conducive to liquidation of income differences, protecting legitimate earnings, and guaranteeing the equity of the distribution of public duties and responsibilities.

Article 6: The Egyptian nationality is defined by the law. Article 40: All citizens are equal before the law.¹⁵⁵

And on this particular nation, Dr. Ayman ath-Thawaahiri, *hafithahullah*, has authored at least two books detailing the clear disbelief found in the relevant constitution, so, read them, for your benefit.

JORDAN:

The State of Law is a democratic state committed to the principle of the supremacy of the law and derives its legitimacy, authority and effectiveness from the free will of the people, and all authorities within it are committed to providing legal, judicial and administrative guarantees to protect the rights, integrity and basic freedoms of the individual, which rules were laid down by Islam and confirmed by the Universal Declaration of Human Rights and all other international covenants and treaties promulgated by the United Nations in this regard.¹⁵⁶

And on this particular nation, Shaykh Abu Muhammed ‘Aasim al-Maqdisi, *hafithahullah*, has authored, *Kashf an-Niqaab ‘an Sharee’at al-Ghaab* and a summary of it, detailing all the clear disbelief found in the relevant constitution, so revise it, for you benefit.

KUWAIT:

Article 2: The religion of the State is Islam, and the Islamic *Sharia* shall be a **main** source of legislation.

Article 6: The System of Government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers. Sovereignty shall be exercised in the manner specified in this Constitution.¹⁵⁷

And on this particular nation, Shaykh Abu Muhammed ‘Aasim al-Maqdisi,

¹⁵⁵ <http://www.us.sis.gov.eg/egyptinf/politics/parlment/html/constit.htm>

¹⁵⁶ <http://www.kinghussein.gov.jo/charter-national.html>

¹⁵⁷ <http://www.alommah.gov.kw/kwtconst/1e.asp>

hafithahullah, has authored a small treatise detailing the clear disbelief found in the revelant constition, so revise it, for your benefit.¹⁵⁸

MAURITANIA

(1) Mauritania is an indivisible, democratic, and social Islamic Republic.¹⁵⁹

PAKISTAN

1) No law shall authorize the punishment of a person:-

- (a) for an act or omission that was not punishable by law at the time of the act or omission; or
- (b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.¹⁶⁰

Islaamic law is restricted to personal matters.

UNITED ARAB EMIRATES

الإسلام هو الدين الرسمي للاتحاد ، والشريعة الإسلامية مصدر رئيسي للتشريع فيه ، ولغة الاتحاد الرسمية هي اللغة العربية

Translation: Islaam is the official religion of the union, **and Islaamic law is the main source of legislation**, and the official language is Arabic.¹⁶¹

QATAR

Article 67 of the provisional constitution gives the Emir an unrestricted right to amend the provisional constitution by amending, deleting or adding to it, as he deems fit for the interest of the State.¹⁶²

MALDIVES

Their Article of “Protecting the Religious Unity” is actually “Protecting the *Kufr* Religious Unity” under which no Muslim (of the so called “100%” Muslim nation) can perform ‘*amr bi mauroof wa nahee almunkar*’ (*hisbah*), and to this *kufr* adds

¹⁵⁸ (as with the above two other references, they can be found on www.almaqdese.com / www.tawhed.ws)

¹⁵⁹ <http://www.oefre.unibe.ch/law/icl/mr00000.html>

¹⁶⁰ <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

¹⁶¹ <http://www.uae.gov.ae/moca/dostur/1/1.htm>

¹⁶² <http://www.qatarlaw.com/English/sys3.htm>

their obligating and torturing the *ahlusunnah* to perform their religious duty including the daily prayers according to “their” so called *shaafiee* school. Also the recent taguti revolution of western democracy and the on-going ratification process of the democractic law which has already amended the article “people should abide by the religion (islam) and *the law*” to as “people should abide by *the law*”. Also their recent¹⁶³ verdict warning the public that ‘public (Islamic) preaching (of *hisbah*) is banned under the (*tawaagheet*) constitution’ –is clear and sufficient statement of *kufir* according to the (consensus) *ijmaa* of Muslims and *ahlul-kitaab*.

Sheikh-ul-Islam ibn Taymiyya said “it is known that whoever abolishes the enjoining and forbidding with which Allah sent his Messengers, he is a *Kafir* by the consensus of the Muslims, the Jews and the Christians”.¹⁶⁴ He also said “And whenever a person legalized the haram - that is agreed upon - or forbids the halal - that is agreed upon - , he is a *Kafir* by the consensus of the Fuqaha”.¹⁶⁵ Also in his verdict he said “And it is known from the religion (of Islam) by necessity and by the consensus of all Muslims that whoever legalizes to follow other than the religion of Islam or a Sharia other than the Sharia of Muhammad (SAW), he is a *Kafir*. And his *kufir* is similar to that of the one who believes in some part of the book (Quran) and reject some of it”, as He Ta’ala said: “Verily, those who disbelieve in Allah and his Messengers and wish to make a distinction between Allah and his Messengers (by believing in Allah and disbelieving in his Messengers) saying, “we believe in some but reject others”, and wish to adopt a way in between, they are in truth disbelievers. And we have prepared for the disbelievers a humiliating torment”.¹⁶⁶

Further to all the above, one must make mention, that any state that enters within the UN, abides by its laws, and/or legislates then this is greater disbelief, and an entire list can be found at:

<http://www.un.org/Overview/unmember.html> alongside the date they joined.¹⁶⁷

I will end here, and in the next post insha’Allah, we will read the statements of the Salaf and Khalaf regarding the consensus of the one who legislates what is in contradicton of Allah’s law, and possibly discuss some of the doubts.

Subhanak Allahumma wa bihamdika, ash-Shadu al-laa ilaha illa ant, astaghfiruka wa atoobu ilayk.

¹⁶³ July 14, 2004

¹⁶⁴ Majmua' Al-Fataawa, Vol 1, p.106.

¹⁶⁵ Majmua' Al-Fataawa, Vol 3, p.267.

¹⁶⁶ An-Nisa, Verse 150-151. Majmua' Al-Fataawa, Vol 28, p. 524.

¹⁶⁷ And whoever wishes to study on this topic may refer to the book ‘Saidi Arabia and the U.N’ by Azzam Publication

**A BRIEF COLLECTION OF THE PEOPLE OF KNOWLEDGE
CONCERNING THE RULER WHO ENGAGES IN *TASHREE'* *AL-'AAM*
AND RULING BY OTHER THAN WHAT ALLAAH REVEALED.**¹⁶⁸

SHAIKH UL-ISLAAM IBN TAYMIYYAH:

“And it is known by necessity in the Deen of the Muslims and by the agreement of all the Muslims that whoever follows a *Sharee'ah* other than the *Sharee'ah* of Muhammad (sAw) then he is a *Kaafir* and it is like the *Kufr* of the one who believes in some of the Book and disbelieves in some of the Book.”¹⁶⁹

AL-HAAFIDH IBN KATHEER:

“So whoever leaves the clear *Sharee'ah*, which was revealed to Muhammad (sAw) Ibn Abdullah, the Seal of the Prophet (sAw)s, and takes the *Hukm* to other than it from the laws of *Kufr* which are abrogated, he has disbelieved. So what about the one who takes the *Hukm* to the '*Yasaaq*' (the law of the Tartars which mixed *Sharee'ah* rulings with invented rulings) and puts it before it?! **Whoever does that, he has disbelieved by the *Ijmaa'* of the Muslims.”**¹⁷⁰

IMAAM ASH-SHAWKAANI:

“Now we will make clear to you the condition of the second type and it is the *Hukm* of the people of the state who aren't under the command of the state” – until his saying –

“from it is that they judge and take the *Hukm* to the ones who know the *Ah'kaam* of the *Tawagheet* in all of the matters that they are in charge of and they take it to them without making *Inkaar* and without any shame in front of Allaah or His slaves and they do not fear anyone, rather they can rule with that anyone who they are able to reach from the citizens and those who surround them. And this is a known matter, which no one can deny or reject, and this is well known. **And there is no doubt that this is *Kufr* in Allaah, *subhanahu wa-ta'ala* and His *Sharee'ah*, which He ordered with upon the tongue of His Messenger (sAw) and chose for His slaves in His Book and upon the tongue of His Messenger (sAw). They even disbelieved in all of the laws from the time of Adam (pbuh) until now and the *Jihaad* against them and fighting them is *Waaajib* until they accept the laws of *Islaam* and submit to them and rule among with the pure *Sharee'ah* and they leave what they were upon of *Tawagheet Shaytaaneeyah*” – until his saying –**

“and it is known from the rules of the pure *Sharee'ah* and its texts that whoever puts himself to fight those people and seeks the aid of Allaah and makes his intention sincere, then he will be from the victorious and he will have the reward

¹⁶⁸ **Note:** From “A decisive refutation of www.Salafi-Publication.com” by the brothers from www.tibyan.com

¹⁶⁹ “Al-Fataawa”, Vol. 28/ 524

¹⁷⁰ “Al-Bidaayah wa Nihaayah”, Vol. 13/ 119

because Allaah will give victory to whoever supports Him. And: ‘**And if you give victory to Allaah, He will give victory to you and firmly plant your feet. And the reward is for the Muttaqun.**’

– until his saying –

“So if he who was able to fight them, leaves the making Jihaad against them, then he is under the threat of punishment descending upon him and deserving of what comes upon him because Allaah has placed over the people of Islaam certain groups as a punishment for them because they would not leave the *Munkaarat* and they did not try to adhere to the pure *Sharee’ah* just like what happened with the conquering of the *Khawaarij* in the early days of Islaam then the conquering of the *Qaramatah* and the *Batineeyah* then the conquering of the Turks until they almost wiped out Islaam and like what occurs often with the conquering of the Europeans and the people like them. So keep and open mind, O people of sight! Verily, there is a lesson in this for whoever has a heart or was given hearing and the gift of sight!”¹⁷¹

IMAAM IBN JAREER AT-TABAREE:

“He ta’ala says, whoever conceals the *Hukm* of Allaah, which He revealed in His Book and made it a law between the slaves – so he hides it and rules with other than it like the *Hukm* of the Jews concerning the married fornicators with whipping of the guilty and blackening their faces and concealing the *Hukm* of stoning and like their judging upon some of their murdered with full blood-money and some with half of their blood-money. And concerning the noble people, they would have *Qisaas* but the commoner would only get the blood money. But Allaah made all of them equal in the Tauraat: ...such are the *Kâfirûn*. They are the ones who concealed the truth, which was upon them to uncover and make clear. And they hid it from the people and they showed something different to the people and they judged according to that (changed *Hukm*) because of a bribe they took from them.” (* So the point of At-Tabaree here is that he considers this Ayaah general for anyone who does what the Jews did and hold this Ayaah meaning of *Kufr* Akbaar upon anyone who does what they did.)¹⁷²

MUHAMMAD AL-`AMEEN ASH-SHANQEETEE:

“Associating with Allaah in His *Hukm* is like associating with Him in his worship and there is no difference between them at all, so the one who follows an institution other than the institution of Allaah, or other than that which Allaah legislated and a law which opposes the legislation of Allaah from that which has been fabricated by human beings, turning away from the light of the heavens that Allaah revealed upon His Messenger (sAw). **Whoever does this and whoever worships an idol or prostrates to a statue; there is no difference between them**

¹⁷¹ –From his letter, “Al-Dawa Al-’ Ajaal” Pg. 33-35 which came within “Ar-Rasa’il As-Salafeeyah”

¹⁷² –“Tafseer Al-Tabaree” Vol. 4/ 592

at all from any point of view. They are both one thing and they are both *Mushriks* with Allaah. This one associated with Allaah in His *Hukm* and they are both the same.”¹⁷³

“...As for the legislative institutions, which contradict the legislations of the Creator of the Heavens and the Earth, then judging with these is *Kufr* in the Creator of the Heavens and the Earth. Such as saying that the preference of the males over the females in the inheritance is unjust and that it should be that they are equal in inheritance and like the saying that polygamy is *Thulm* and that divorce is *Thulm* against the women and that stoning and cutting off the hand and things like this are barbaric acts which should not be carried out against the people and things like that. **So ruling by institutions such as these upon individuals and the society and their wealth and their property and minds and *Deen* is *Kufr* in the Creator of the Heavens and the Earth** and it is a rebellion against the law of the Heavens, which was given by the Creator of all the creation and He, *subhanahu wa-ta'ala* is more knowledgeable of the benefits towards His creation than to have another legislator along with Him! **`Or have they partners with Allâh (false gods), who have instituted for them a religion, which Allâh has not allowed?**”¹⁷⁴

UMAR AL-ASHQAAR:

“And from this explanation it becomes clear to us that there are two types of people who have fallen into *Kufr* about which there is no doubt. The first, the ones who legislate that which Allaah did not reveal, and those are **the ones who fabricate the laws that oppose the legislation of Allaah they implicate it upon the people and the *Ijmaa'* is upon their *Kufr* without doubt.**”¹⁷⁵

MAH'MOUD SHAAKIR:

“So their question wasn't the *Eebadeeyah's* question to Abee Majliz about the *Tafseer* of this *Ayaah* about that which the *Mub'tadah* of our time agree with concerning the judgement in money and blood with a law that opposes the *Sharee'ah* of the people of *Islaam* and not concerning implicating a law upon the people of *Islaam* and forcing them to take the judgement to other than the rule of Allaah in His Book and upon the tongue of His Prophet (sAw). **So this action is turning away from the *Hukm* of Allaah and from His *Deen* and putting the laws of the *Kuffar* above the law of Allaah, *subhaanahu wa-ta'ala* and this is**

¹⁷³ From the cassettes of the *Shaykh* in his *Tafseer* of *Surat At-Tauba* at Allaah *ta'ala's* saying:

They (Jews and Christians) took their rabbis and their monks to be their lords besides Allâh ...

¹⁷⁴ “*Adhwaa Al-Bayaan*”, Vol. 4/82-85

¹⁷⁵ “*Al-Sharee'ah Al-Eelaheeyah*”, Pg. 179

Kufr. No one from the people of the *Qiblah* with their difference, doubts the *Kufr* of the one who says or calls to this.”¹⁷⁶

‘ABDUL-LATEEF IBN ‘ABDUR-RAHMAAN (Muhammad (sAw) Ibn ‘Abdul-Wahhab’s great-grandson):

When asked concerning what the Bedouins judge with according to the customs of their fathers and grandfathers. “Do we label them with *Kufr* after it is made clear to them (that this is not permissible and when they continue)?”

So he answered, “Whoever takes the judgement to other than the Book of Allaah and the Sunnah of His Messenger (sAw) after it is made clear to him (that this is not permissible), then he is a *Kaafir*. He, *ta’ala* said: **‘And whosoever does not judge by what Allâh has revealed, such are the Kâfirûn.** ‘ (And He *ta’ala* also said:) **‘Is it other than the Deen of Allaah that they seek?** ‘ (And He *ta’ala* also said:) **‘Have you seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgement (in their disputes) to the Tâghût (false judges, etc.) while they have been ordered to reject them.** ‘ And the Ayaat with this meaning are many.”¹⁷⁷

‘ABDUR-RAHMAAN IBN HASAN (Muhammad (sAw) Ibn ‘Abdul-Wahhab’s grandson) said:

“So it is made clear with this, that the Ayaah (9:31) proves that whoever obeys other than Allaah and His Messenger (sAw) and turns away from taking from the Book and the Sunnah, concerning making Halaal what Allaah made Haraam or making Haraam what Allaah made Halaal or obeys him in the disobedience of Allaah and follows him in what Allaah did not give permission for, then he has taken him as a lord and something worshipped and made him a partner with Allaah and that contradicts the *Tawheed* which is the *Deen* of Allaah that the words of Ikhlâas: *La Illaaha il-Allaah*, have indicated. (This is) because the *Ilaah* is the thing, which is worshipped, and Allaah, *ta’ala* labeled their obedience as worship towards them and called them lords.

Like He, *ta’ala* said: **‘And He does not order you to take the angels and the Prophet (sAw)s as lords...** ‘ In other words, ‘... as partners with Allaah in His worship... ‘ – **‘Does He order you to do *Kufr* after you were Muslims?** ‘ And this is the *Shirk* because anything which is worshipped is a Lord and all things, which are obeyed or followed concerning other than what Allaah or His Messenger (sAw) have legislated, then he has been taken by the obedient one or the follower as a Lord and a thing to be worshipped.

Like He, *ta’ala* said in Surah An’am: **‘And if you obeyed them, then you are Mushrikeen.** ‘ And this is the meaning of this Ayaah and like this Ayaah in

¹⁷⁶ From his commentary of At-Tabaree (“*Tafseer At-Tabaree*” Vol. 10/348)

¹⁷⁷ “*Dur’ur As-Saneeyah fi’Al-Ajweebah An-Najdeeyah*”, Vol. 8/ 231 Published by “Dar Al-Iftaa’ bil’Saudeeyah” 1385 H

meaning is His, *ta'ala*'s saying: 'And do they have artners who have legislated in the Deen what Allaah did not give permission for?' 'And Allaah knows best.'" ¹⁷⁸

IMAAM MUHAMMAD BIN IBRAHEEM AHL'A-SHAYKH:

"As far as the one who it was said about him, '*Kufr dun Kufr*,' this is if he rules with other than what Allaah revealed, while he believes that he is disobedient and that the *Hukm* of Allaah is the truth. This is concerning when it comes from him once or like that. **But as far as the one who puts laws in an order and to be followed, then this is *Kufr* even if they say that we made a mistake and the *Hukm* of the *Shara'* is more just, so there is a difference between the one who approves and implicates and make it as a text to return to. They make it a thing to return to and this is *Kufr* that takes one outside the *Milla*."** ¹⁷⁹

"The *Ibaadah* of obedience is of different types: If he admits that he is disobedient and sinful and following his desires; then this is like the rest of the sins which does not reach *Kufr*. But if he does not know then this requires an explanation. If he roots himself in the mire of heedlessness, he is blameworthy. **The (thing which is) *Wajib*, is to ask the people of knowledge, but if he knows that it is contradictory to the sayings of the Messenger (sAw) and that he is not sinful then this is *Shirk Akbaar*, like the fabricated laws that have been adopted in the courts, they are from this type.** They make them at the level of the Messenger (sAw) and it is written in the documents that the right is for so and so. And the laws that have come from France are put at the level of the Messenger (sAw) of Allaah, so if this is how it is, if it has come from the '*Ulaama*, then what about what has come from the *Shaytaan* and America and France?! And if it is in the *Hukm* then that is greater, there is no *Hukm* except that which the Messenger (sAw) has come with. **So whoever takes someone to obey with Allaah than he has made *Shirk* in the *Risaala* and the *Uloohiyyah* and of these two things, either one on their own is *Kufr*, as opposed to one matter because that is not like the deafening and the sealed because this one is *Mortaad* and he is more severe in the *Kufr* than the Jew or the Christian.**" ¹⁸⁰

"So maybe you will ask: What if the one who rules with the laws says, 'I believe these laws are *Baatil*?' **There is no effect. Rather, this is removing the *Sharee'ah* just like if one said, 'I worship these idols and believe that it is *Baatil*.'**" ¹⁸¹

"**Verily, from the clear *Kufr Al-Akbaar* is implicating the cursed laws at the level of what the Trustworthy Spirit (i.e. Jibreel) came down with upon the heat of Muhammad (sAw) so that he would be from the warners in the clear Arabic speech to be a judgement between all the created beings and for it to be**

¹⁷⁸ "Fat'h Al-Majeed", Pg. 110-111 Published by "Dar Al-Fikr"

¹⁷⁹ "*Fataawa Al-Imaam Muhammad bin Ibraheem Ahl'a-Shaykh*", Vol. 12/280

¹⁸⁰ "*Fataawa Al-Imaam Muhammad bin Ibraheem Ahl'a-Shaykh*", Vol. 12/280

¹⁸¹ "*Fataawa Al-Imaam Muhammad bin Ibraheem Ahl'a-Shaykh*", Vol. 6/189

returned to when the disputers disagree because it opposes Allaah *aza'wajaal's* saying: **‘(And) if you differ in anything amongst yourselves, refer it to Allâh and His Messenger (sAw), if you believe in Allâh and in the Last Day.’** And Allaah *subhaanahu wa ta’ala* has negated the *Eemaan* from the one who does not take the judgement of what occurs between them to the Prophet (sAw) . He has done this as a full negation by repeating the statements of negation and with an oath, he *ta’ala said*: **‘But no, by your Lord, they can have no Faith, until they make you (O Muhammad (sAw)) judge in all disputes between them...’** And it was not sufficient for Him, *ta’ala* for them to take the judgement to the Messenger (sAw) until they added to that, the not having any discomfort in themselves. He added that with His saying: **‘...and find in themselves no resistance against your decisions, and accept (them) with full submission.’** *Al-Haraaj* (i.e. resistance) means constriction. Rather, it is a must that their hearts must be open to that and for them not to have any anxiety or discomfort. And He, *ta’ala* did not find that sufficient for these two matters until they add to that, the submission to it. And that is total submission and it is total obedience to his (sAw) *Hukm* to the extent that they sever all ties with their *Naffs* and they submit to the true *Hukm* with total submission and for this, he emphasised it with his saying: *‘Tasleemah,’* which shows that it is not enough to submit but it must be a total submission.’

And then the *Shaykh* mentions the five categories of when Ruling by other than what Allaah revealed is *Kufr Al-Akbaar*. And finally:

“...The fifth, and it is the greatest and the most encompassing and the clearest opposition of the *Sharee’ah* and stubbornness in the face of its laws and insulting to Allaah and His Messenger (sAw) and opposing the courts of the *Sharee’ah* on their roots and branches and their types and their appearances and judgements and implementations the references and their applications. So just like the courts of the *Sharee’ah* there are references, all of them returning back to the Book of Allaah and the *Sunnah* of His Messenger (sAw) like that, these courts have references, which are laws that are assembled from many legislations and laws like the laws like the laws of France and America and England and other laws and from the *Metha’haab* of some of the innovators who claim to be under the *Sharee’ah*. And these courts are now fully operational in the settlements of *Islaam*, people entering them one after another, their rulers judge upon them with what opposes the *Sunnah* and the Book with the rules of that law and they impose that on them and approve it for them. **So what Kufr is there beyond this Kufr and what nullification of the Shahadah of Muhammad (sAw)ar Rasool-Allaah is there beyond this nullification?!** And mentioning the evidences for all of what has been mentioned is already known. So O you people of intelligence and O you people of intellect, how can you be pleased with these laws of people who are equal to you being forced upon you and the thoughts of people who are equal to you or even less than you and from whom, mistakes are possible to emerge? And even their mistakes are greater than their successes by far. Rather, there is nothing correct in their *Hukm* except that which has been taken from the *Hukm* of Allaah and His Messenger (sAw) that which no mistake can come close to and no falsehood can approach it

from in front of it or behind it, the lowering of the *Hakeem Al-Hameed* (i.e. The Most Knowledgeable, The Praiseworthy) and the submission of the people to the *Hukm* of their Lord is submission to the One who created them for them to worship Him. **So just as the creation does not prostrate to other than Allaah and does not worship except Him, likewise it is *Waaajib* for them not to submit or obey except the *Hukm* of *Al-Hakeem*, *Al-`Aleem*, *Al-Hameed*, *Al-Ra'oof*, *Ar-Raheem* and not the *Hukm* of the wrong-doers and the ignorants who have been destroyed by doubts and desires and misunderstandings and about whom, unawareness and darkness and hard-heartedness has enveloped their hearts. So it is *Waaajib* upon the people of intelligence to steer themselves and away from this because of what it contains from enslaving themselves and them being judged by desires and mistakes and on top of that, it is *Kufr* by the text of His, *ta'ala's* saying: `And whosoever does not judge by what Allâh has revealed, such are the *Kâfirûn*.”**¹⁸²

ABDULLAH BIN MUHAMMAD AL-GHUNAYMAAN:

When asked, “The one who leaves the *Hukm* by what Allaah revealed; if he makes the general judgements with the fabricated laws, does he disbelieve? And is there a difference between that and the one who judges with the *Sharee'ah* but then he opposes the *Sharee'ah* in some of the matters due to desire or bribery or other than that?” So he answered, “**Yes, it is *Waaajib* to differentiate between them. There is a difference between the one who throws away the *Hukm* of Allaah, *jala-wa'ala* and replaces it with the judgements with the laws and the judgement of mankind. This is *Kufr*, which takes one outside the *Milla* of *Islaam*. But the one who is *Multazim* (i.e. religiously committed) upon the *Deen* of *Islaam* except that he is disobedient and a *Thaalim* by following his desires in some of the *Ah'kaam* and goes after a benefit from the *Dunyah*, while accepting that he is *Thaalim* with this, then this is not *Kufr*, which takes you out of the *Milla*. And whoever sees the *Hukm* with the laws to be equal to the *Hukm* of the *Shara'* and makes it *Halaal*, then he also disbelieves with the *Kufr* that takes one outside the *Milla*, even if it is in one instance.**”¹⁸³

IBN QASSIM:

“Like the ones who rule with the laws of *Jahiliyyah* and the international laws, rather even one who rules by other than what Allaah revealed, **whether he rules with the laws or with something which has been invented that is not from the *Shara'* or affirmed in the *Hukm*, then he is a *Taghuut* from the greatest *Tawagheet*.**”¹⁸⁴

¹⁸² “*Tah'keem Al-Qawa'neen*”

¹⁸³ “*Mujaalit Al-Mishkaat*”, Vol. 4/247

¹⁸⁴ From his commentary on “*Usool ath-Thalathah*”, Pg. 96

HAMD BIN `ATEEQ AN-NAJDEE:

While explaining the different nullifications of *Islaam* and then he mentioned: “And the Fourteenth Matter is Taking the *Hukm* to Other than the Book of Allaah and His Messenger (sAw) .” And then he mentions the *Fatwaa* of Ibn Katheer under the *Ayaah*: **“Is it the *Hukm* of *Jahileeyah* which they seek?”**, which we have narrated earlier. Then he said, “And like this is what the general people of the Bedouins and those like them fell into with regards to taking the *Hukm* to the customs of their forefathers and that which their ancestors established from the accused customs, which they label ‘The *Sharee’ah* of *Reefawah*’ they put it before the Book of Allaah and the *Sunnah* of His Messenger (sAw). **So whoever does that; then he is a *Kaafir* and it is *Waajib* to fight him until he returns to the *Hukm* of Allaah and His Messenger (sAw).**”¹⁸⁵

ABDULLAH BIN HUMAYD:

“And whoever makes a general legislation (*Tashree’ Al-`Aam*) and implicates it upon the people which opposes the *Hukm* of Allaah, then this one leaves the *Milla* as a *Kaafir*.”¹⁸⁶

MUHAMMAD HAMAD AL-FAQEEH:

He said after quoting the words of Ibn Katheer in the *Tafseer* of His, *ta’ala’s* saying: **Is it the *Hukm* of *Jahiliyyah* that they seek?’** he said:

“And like or (even) worse than this are the ones who take the words of the *Kuffar* as laws, which they judge with in matters concerning blood and wealth and they put that before that which they know and that is has been made clear to them from the Book of Allaah and the *Sunnah* of His Messenger (sAw) . **So he, without a doubt, is a *Mortad* if he continues upon that and does not return to the *Hukm* of what Allaah revealed and he will not be benefited by any name which he labels himself with and neither by any outward action that he does from *Salaat* or *Siyaam* or anything else!”**¹⁸⁷

SHAIKH SAALIH IBRAAHEEM AL-LAYHEE:

Who said, concerning the meaning of the “*Daleel*”, **“So the ruling with the fabricated laws, which oppose the Islaamic *Sharee’ah* is atheistic and *Kufr* and *Fasad* and *Thulm* among the slaves because the security is not ensured and the Shara’ee rights are not preserved except by acting upon the Islaamic *Sharee’ah* in its entirety in the ‘*Aqeedah* and worship and ruling and etiquettes and the conduct and institutions, because the ‘Ruling by Other Than What Allaah Revealed’ is ruling with a created action upon a creation like it. And it is ruling with the laws of the *Taghoot* and there is no difference between the individual**

¹⁸⁵ “*Majmoo’at At-Tawheed*“, Pg. 412

¹⁸⁶ Extracted from the Book, “*A’hameeyaat Al-Jihaad*” by `Alee bin Nafee’ Al-`Ilyaanee Pg.

¹⁸⁷ “From the *Hamish* (i.e. commentary) of “*Fat’h Al-Majeed*”, Pg. 406

conditions and the general and specific; and whoever differentiates between them in the *Hukm*, then he is an atheist/ *Zandeeq* (i. e. Hypocrite in denial)/ *Kaafir* in Allaah Al-' *Atheem!*'¹⁸⁸

SHAIKH MUHAMMAD SHAAKIR ASH-SHAREEF:

In his "Chapter concerning making clear when the one who rules by other than what Allaah revealed is a *Kaafir*; with the *Kufr* that does not take one outside the Milla."

Then he said, "He does not disbelieve with three conditions:

- a) That he is *Multazim* (i. e. religiously committed) and accepts upon the outside and the inside every *Hukm* or *Tashree*' (legislation) which has come from Allaah *subhaanahu wa-ta'ala* or His Messenger (sAw) -*sallallaahu 'alayhi wa sallam*.
- b) That he accepts and confesses that he has left the *Hukm* with what Allaah *subhaanahu wa-ta'ala* has revealed in that matter or that specific instance that he judges in that he is sinful and that his *Hukm* is a mistake and that the *Hukm* of Allaah is the correct.
- c) That the opposing *Hukm* is a *Hukm* in specific instances and not in full general matters and this third condition is the one, which many of the contemporary people have not understood and paid attention to.¹⁸⁹

IMAAM AHMAD SHAAKIR :

And Ahmad Shaakir, may Allaah be merciful to him, said in his interpretation of, **'But no, by your Lord, they can have no Faith, until they make you (O Muhammad (sAw)) judge in all disputes between them...':**

"So look, O Muslims, in all of the *Islaamic* countries or the ones which claim to be *Islaamic*, in all the parts of the Earth, to what your enemies from the missionaries and colonists have done to you! They have put upon the *Muslimeen*, laws of misguidance, which destroy the etiquettes and the *Deen*. European law, which are idols, which were never based upon any *Sharee'ah* or *Deen*, rather they were based upon rules that were made by the *Kaafir* who refused to believe in the Messenger of their era, 'Eesa, *alayhee'Sallaam*. And he remained upon his paganism with what he had from *Fisq* and *Fujuur* (i.e. oppression). This person was *Justinyaan*, the father of the laws and the one who established the basis so they claim and an important man from Egypt who due to *Thulm* attributes himself to *Islaam*, and who did not feel too ashamed to translate the laws of that *Faasiq*/Pagan and he called it 'The Code of *Justinyaan*,' insulting "The code of Malik," one of the encyclopaedias of *Islaamic Fiqh*, which was based upon the Book and the *Sunnah*, and which is attributed to the *Imaam* of *Dar Al-Hijrah* (i.e. *Madinah*)! So look at the level of absurdity and shamefulness and recklessness of that man!

¹⁸⁸ "As-Salsabeel ", Vol. 2/ 384, which is his commentary upon "Zaad Al-Mutaqnaah ".

¹⁸⁹ "In'Allaah Huu'al-Haakim", Pg. 88-91 published by "Daar Al-Waton", 1413 H.

“These laws, which the enemies of *Islaam* imposed upon the Muslims due to enmity; **in reality it is another religion that they made it a *Deen* for the Muslims in replacement of their pure *Deen* because they made it *Wajib* upon them to follow it and obey it.** And they put into the hearts, love and adoration for it to the point where you see upon the tongues and the pens, words like, ‘The holiness of the judgements,’ or ‘The holiness of the courts,’ or ‘The holiness of the laws,’ and words like these, which they refuse to describe the *Islaamic Sharee’ah* or the opinions of the *Fuqahaa* of *Islaam* with! Instead, they describe it with words such as, ‘Reactionism,’ or ‘Stagnant,’ or ‘Priesthood,’ or ‘the *Sharee’ah* of the Jungle,’ or other than that from the evils that you see in the newspapers or the magazines or modern books, which are written by the followers of those pagans.

“Then they started to label these (fabricated) laws and the studies of those (fabricated) laws with the word, ‘*Al-Fiqh*,’ and ‘*Al-Faqee*,’ and ‘*At-Tashree*,’ and ‘*Al-Mushaara*,’ and other words that the ‘*Ulaama* of *Islaam* used to describe the *Sharee’ah* and its ‘*Ulaama*. Then they go (even) further and to the degree where they compare the *Deen* of *Islaam* and its *Sharee’ah* with their modern *Deen* until he said **and this modern *Deen* became the basis which the *Muslimeen* take their *Hukm* to and they judge with it, in most of the *Islaamic* countries whether it is in something that complies with the laws of the *Sharee’ah* or contradicts it.** And all of this is *Baatil* and rebellion because whatever complied with it coincidentally and not out of due to following it and not out of obedience to the command of Allaah or the command to His Messenger. So whatever complies and whatever contradicts; both are stuck in the mud of misguidance and it leads the one who follows it to the Fire and it is not allowed for a Muslim to be submissive to it or be pleased with it. And we will add to this meaning under the words of *Al-Hafidh* Ibn Katheer under the *Tafseer* of the fiftieth *Ayaah* of *Surat Al-Ma’idah*, *inshaa’Allaah*.”¹⁹⁰

He also said regarding the verse;

“Is it the *Hukm* of *Jahiliyyah* that they seek?”

“I say: Is it allowed in the legislation of Allaah for the Muslim to rule in their countries with a legislation, which is taken from the legislation of paganistic/atheistic Europe? Rather a legislation that enters into it, desires and opinions which are *Baatil*, they change it whenever they want and he who makes it does not care if him legislation complies with *Islaam* or opposes it.

“Verily, the *Muslimeen* were not tested with this ever in their history as far as we know, except for in the time of the Tartars and it was from the worst eras of *Thulm* and darkness and even with that, they did not submit to it. Rather, *Islaam* defeated the Tartars and they entered them under their *Sharee’ah* and the effects of what they did were erased by the steadfastness of the *Muslimeen* upon their *Deen* and their *Sharee’ah* and because their evil, wrongful *Hukm* was from the side of the ones who ruled at that time, no one from the *Ummah* of *Islaam*, which were ruled

¹⁹⁰ “*Umdaat At-Tafseer Mukhtaasir Tafseer Ibn Katheer of Ahmad Shaakir*”, Vol. 3/214-215

by it, entered under it and they did not study it and they did not teach it to their children. So look how fast its effects were erased.

“So did you not see this strong description given by *Hafidh* Ibn Katheer in the eighth century to that invented law, which was made by the enemy of *Islaam*, Genghis Khan? Do you not see that he was describing the condition of the *Muslimeen* at this time in the fourteenth century?! Except, there is one difference, which we pointed out earlier and that is that it was only in the level of *Huh'kaam* (i.e. the rulers), so the time came quickly and erased the effects of what they did to the *Ummah* of *Islaam*.

“And now, the *Muslimeen* are in a worse condition and more *Thulm* and darkness than them because most of the *Ummah* of *Islaam* enters under the laws, which oppose the *Sharee'ah* that are the most resembling thing to the ‘*Yasaaq*’ which was made by a *Kaafir*, whose *Kufr* was clear. These laws are made by people who attribute themselves to *Islaam* and then the children of *Islaam*, learn them and then the fathers and sons boast about it. And then they make it a source, which they return to in their matters to the people of this ‘Modern *Yasaaq*’. And they hate anyone who opposes them in that and they label the ones that call them to hold onto their *Deen* and their *Sharee'ah* ‘Reactionists’ and ‘being still’ and ‘old fashioned’ and other than that and other insulting words like these!

“They even got their hands into what was left from the *Hukm* of the *Islaamic* legislation and they wanted to change it to their new ‘*Yasaaq*’ sometimes through gentle means and sometimes from plotting and trickery and with whoever owns (due to bribery) the *Sultaan* sometimes. And they clearly say without shame that they are working to separate the state from the *Deen*!

“Or is it allowed for a Muslim to be judged by the ‘Modern *Yasaaq*’ and to act upon it and to turn away from the clear *Sharee'ah* of Allaah? I do not think that a Muslim who knows his *Deen* and believes in it generally and specifically and believes that this *Qur'aan* has been sent down by Allaah to His Messenger as a clear Book, which falsehood will not approach it from behind or from in front, and that His obedience and the obedience of the Messenger who came with it, is *Waaajib* without any disagreement in every condition. I do think that he can so anything except that he will say without any doubt or (pause for) consideration that this type of judgement in this condition is *Baatil* from its basis and can not be made right or allowed.

“The matter in these fabricated laws is clear with the clearness of the sun. It is clear *Kufr* and there is nothing hidden about it and there is no excuse for anyone who attributes themselves to *Islaam*, whoever they may be, to act according to it or to submit to it or to approve of it. So each person should beware and every person is responsible for himself. So the ‘*Ulaama* should make

the truth clear and tell what they have been ordered to tell without concealing anything.”¹⁹¹

‘ABDUL-’AZEEZ IBN ‘ABDULLAAH IBN BAAZ :

“There is **no Eemaan** for the one who believes the laws of the people and their opinions are superior to the *Hukm* of Allaah and His Messenger (sAw) or that they are equal to it or that they resemble it or who leaves it or replaces it with fabricated laws and institutions invented by people, **even if he believes that the laws of Allaah are more encompassing and more just.**”¹⁹²

ABDUR-RAZAAQ AF-FEEFEE:

In his letter concerning the different conditions of those who do not rule by what Allaah revealed, “The first: Whoever does not try his utmost in that and he does not ask the people of knowledge and worships Allaah without perception or his rules between the people in this matter, then he is a sinner and astray. He deserves punishment if he does not repent and Allaah does not cover him from His mercy. Allaah *ta’ala* said: **‘And do not stand upon that which you have no knowledge in. Verily, the hearing and eyesight and the intellect: all of those will be asked about.’**

“The second: And like that is the one who knows the truth and is pleased with the *Hukm* of Allaah but he is overtaken by his desires occasionally. So he acts upon them by himself or he judges between the people in some of the matters with that which opposes what he has learned from the *Sharee’ah* of desire or bribery, for example. Then he is sinful but not a *Kaafir* with the *Kufr* which removes one from *Islaam*, as long as he accepts that he has done wrong and does not insult the *Shara’* of Allaah and does not have a negative opinion of the *Shara’* of Allaah. But he hates what has come from himself and he sees that all the goodness and benefit is in acting according to the *Hukm* of Allaah, *ta’ala*. It is narrated by Al-Haakim from Buraydhah, may Allaah be merciful to him, from the Prophet (sAw) that he said, ‘Two judges are in the Fire and one is in the *Jannah*. A judge who knows the truth and judges with it, then he is in the *Jannah* and a judge who knows the truth but he does wrong intentionally or judges without knowledge. Then they are both in the Fire.’

“Thirdly: The one who is attributed to *Islaam* and knows its laws and then fabricates for the people, laws and makes them an institution for them to conduct themselves by and to take their judgements to and he knows that it opposes the laws of *Islaam*. Then he is a *Kaafir* out of the *Milla* of *Islaam*.

“And like that is the *Hukm* concerning the one who orders a committee or committees to be formed for that and the one orders the people to take their

¹⁹¹ “Umdaat At-Tafseer Mukhtaasir Tafseer Ibn Katheer of Ahmad Shaakir”, Vol. 4/ 173-174

¹⁹² “Risalaat Wujoob Tah’keem Sharee’at Allaah’ Pg. 39, which follows the “Risalaat Tah’keem Al-Qawaneen” Published by “Daar Al-Muslim”

judgements to these institutions or laws or makes them take the judgements to them, while he knows that they oppose the *Sharee'ah* of *Islaam*. And like that is the one who judges with it and implicates it upon the matters and the one who obeys them in these judgements out of his own choice, while he knows that it opposes *Islaam*. So all of these are partners in their turning away from the *Hukm* of Allaah.

“But some of them forbade legislations that they oppose the legislations of *Islaam* with and nullify it, while having knowing this. And some of them, by ordering its implication or holding the *Ummah* to act upon it or putting this *Hukm* between the people or enforcing the *Hukm* according to it.

“And some of them, by obeying the *Walee* and being pleased with what they have legislated for them from that which Allaah did not give permission for and He did not reveal.

“So all of them have followed their desires without guidance from Allaah and Iblees told the truth to them about his opinion and they followed him. And they were all partners in their deviation, their atheism and *Kufr* and *Tughi'an* so they will not be benefited by their knowledge of the *Shara'* of Allaah and their beliefs of what it contains, while they turn away from it and their replacing of His laws with a legislation from themselves and implicating it and taking the judgement to it, just as Iblees is not benefited by his knowledge of the truth and his belief in it, while he turns away from it and does not surrender to it and follow it.”¹⁹³

MUHAMMAD IBN SAALIH AL-'UTHAYMEEN

“The first type is when the *Hukm* of Allaah is removed and replaced with another *Taghuutee Hukm*, so that the *Hukm* of the *Sharee'ah* is eliminated between the people and he puts in its place another *Hukm* from the fabrication of the humans and they remove the laws of the *Sharee'ah* concerning the *Mu'amilah* (i. e. the general actions between people) and they put in its place fabricated laws and this, without doubt, is *Istib'daal* (i. e. replacement) of the *Sharee'ah* of Allaah subhaanahu wa-ta'ala, with other than it. **And this is *Kufr* which removes one from the Milla** because this person put himself at the level of the Creator because he *shara'a* (legislated) for the slaves of Allaah that which Allaah *ta'ala* did not give permission for and that is *Shirk* in His, *ta'ala*'s saying: “Or have they partners with Allâh (false gods), who have instituted for them a religion, which Allâh has not allowed?” (Ash-Shu'ara, 21) – “Fiqh Al-' Eebaadaat”, #60

SAALIH AL-FOWZAAN

“So whoever takes the *Hukm* to other than the legislation of Allaah from all of the institutions and the man-made laws, then has taken the implicators of these laws and the ones who rule with them as partners with Allaah in his legislation. He, *ta'ala* said: **‘Or do they have partners who have legislated for them what**

¹⁹³ “*Shubu'haat Howl As-Sunnah Wa-Risalaat Al-Hukm bi'Ghayr ma'Anzaal-Allaah*”, Pg. 63-65

Allaah has not allowed? ‘ And He *said*: ‘And if you obeyed them, then you are Mushrikeen. ‘¹⁹⁴

And then again, after narrating what Al-Haafidh Ibn Katheer wrote concerning the Tartar’s and “Al-Yasiq”, he said, **“And the likes of the law that he mentioned from the Tartars, and judged upon with *Kufr*, those who put in the place of the Islaamic *Sharee’ah*, are the fabricated laws, which have – in our time – been established as sources of laws in many countries and the Islaamic *Sharee’ah* has been disregarded in favor of them except in what they call ‘personal matters’.”**¹⁹⁵

MUHAMMAD NAASIRUDDIN AL-ALBAANEE:

Who said, in one of his earlier cassette recorded lessons, wherein he is describing an argument he had with someone about the *Takfeer* of Mustafah Ataturk, the secularist who converted the constitution of Turkey from the Hanafee code *Sharee’ah*, to the man-made laws. So Shaykh Al-Albaanee *said*:

“I made clear to him (i. e. his opponent) that the Muslims did not make *Takfeer* to Ataturk who was Muslim. No. (They did so) when he freed himself from Islaam **when he implicated upon the Muslims an institution other than the institution of Islaam.** And from that was the example of his equalizing between the inheritance of the male and the female. But Allaah says according to us, **‘And for the male is the share of two females’.** And then he obligated upon the Turkish masses, the Qobah (i. e. a Turkish-style hat).”¹⁹⁶

¹⁹⁴ “Al-Irshaad ila’Saheeh Al-’ Atiqaad “, Vol. 1/ 72

¹⁹⁵ “Al-Irshaad ila’Saheeh Al-’ Atiqaad “, Vol. 1/ 74

¹⁹⁶ “Fataawa Ash-Shaykh al-Albaanee wa-Maqara’netihah bi’Fatawaa Al-’ Ulaama”, Pg. 263 from his cassette #171.